By Mr. WILLIS: Papers to accompany bill (H. R. 26453) granting an increase of pension to Helen G. Davis; to the Com-

mittee on Invalid Pensions.

By Mr. WILSON of New York: Petition of the Downtown Taxpayers' Association, Brooklyn, N. Y., favoring the insertion of a clause in the naval appropriation bill providing for the building of one of the new battleships in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of the New York State Conference on Taxation,

Binghamton, N. Y., favoring the passage of legislation for the extension of the work of the Census Department; to the Com-

mittee on the Census.

Also, petition of the Central Labor Union of Brooklyn, N. Y., favoring the insertion of a clause in the naval appropriation bill providing for the building of one of the new battleships in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

SENATE.

FRIDAY, February 14, 1913.

(Legislative day of Tuesday, February 11, 1913.)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

CONNECTICUT RIVER DAM.

The PRESIDENT pro tempore (Mr. BACON). The Senate re-

sumes the consideration of Senate bill 8033.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 8033) to authorize the Connecticut River Co. to relocate and construct a dam across the Connecticut River above the village of Windsor Locks, in the State of Connecticut.

Mr. BRANDEGEE. Mr. President, I suggest the absence of a

quorum.

The PRESIDENT pro tempore. The Senator from Connecticut suggests the absence of a quorum. The Secretary will proceed to call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst Bacon Bankhead Sheppard Smith, Ga. Smith, Md. Smith, Mich. Smoot Crane Crawford Culberson Cullom Johnson, Me. Johnston, Ala. Jones Jones Kenyon Kern La Follette Lippitt Lodge McLean Martin, Va. Martine, N. J. Myers Borah Bourne Bradley Curtis Dillingham Smoot Stephenson Sutherland Thomas Thornton Tillman Dillingha Dixon du Pont Fall Fletcher Gallinger Gamble Gardner Bradley Brady Brandegee Brown Bryan Burnham Burton Catron Townsend Warren Webb Myers Overman Page Perkins Richardson Catron Chamberlain Gronna Guggenheim Jackson Williams Works Clapp Clark, Wyo.

Mr. ASHURST. I have been requested to announce that the junior Senator from New York [Mr. O'GORMAN] is absent on public business. I will let this announcement stand for the day. I was requested to announce the unavoidable absence of the Senator from South Carolina [Mr. SMITH].

The PRESIDENT pro tempore. Upon the call of the roll of the Senate 63 Senators have responded to their names, and a

quorum of the Senate is present.

Mr. BRANDEGEE. Mr. President, I gave notice yesterday afternoon, just before we took the recess, that I would this morning, having failed in several previous attempts, ask the unanimous consent of the Senate to vote upon the pending bill

at a certain hour upon a certain day. This bill, providing for the building of a dam across the Connecticut River, has, by unanimous consent, been the order of business exclusively before this body ever since last Tuesday, and this will have been the fourth day that the Senate has devoted its whole time to the discussion of the bill, which, except for one provision in it, would have been passed in the morn-

ing hour by unanimous consent.

I think we have devoted enough time to the discussion of the question. It has been made the vehicle for the discussion of the whole question of conservation, and, in my judgment, it should not be made the boat to carry ashore all the various projects that exist in the minds of men upon the conservation question. I think four days is enough to devote to the bill. No Senator can introduce a bill or present the report of a committee; no one can transact any morning business in the Senate.

We have about 12 more legislative days for the conclusion of the business of the present Congress, and it seems to me to be absurd and preposterous to have this measure, which is designed it is competent for us to do the dam the Connecticut River, damming the whole business of or the customs of the Senate.

the Nation and obstructing the legislation of the United States of America.

Senators have made up their minds how they are going to vote on this question. I for one am ready, and have been for two or three days, to vote upon it. I think other Senators are ready to vote if they will waive their general conservation speeches and make them on some other measure and let us finish the business of this Congress.

In view of those sentiments, which I have attempted briefly to express, I ask unanimous consent that a vote be taken on the measure, in accordance with the terms of the unanimous-consent agreement which stands upon the front page of the calendar,

not later than 5 o'clock next Monday afternoon.

Mr. BANKHEAD. Mr. President, speaking for myself I can see no reason why consent should not be given to vote upon the bill next Monday at 5 o'clock, and I hope that unanimous consent will be given to that effect.

Mr. BORAH. Mr. President, if this consent is given would it remove this measure as a bar to the further transaction of

business on other matters?

Mr. BRANDEGEE. Not to-day; not until Monday.

Mr. BORAH. Then there is not very much consolation in the

request.

Mr. BRANDEGEE. We can get through on Monday. If the Senator is willing to have the vote taken to-day, I would be very happy to ask unanimous consent that the vote be taken not later than 5 o'clock this afternoon.

Mr. GALLINGER. Why not ask that that be done?

Mr. BRANDEGEE. I asked that the time be fixed

I asked that the time be fixed for Monday on the suggestion of the Senator from Alabama [Mr. BANK-HEAD], who informed me that several Senators on the other side of the Chamber wish to discuss the measure further, and I

did not want to restrict anybody in his rights.

Mr. BANKHEAD. My reason for suggesting to the Senator from Connecticut that he make his request for Monday at 5 o'clock was because several Senators desire to make some remarks upon the bill before the vote is taken. To-day must be consumed by the consideration of appropriation bills, or so much of the day as is necessary; to-morrow we can do no legislative business; and on Monday I thought the Senators who desire to address themselves on the bill would have an opportunity before the hour suggested for voting.

Mr. BORAH, I am not objecting to the consent. I was in the hope, however, that as we were violating the unanimousconsent agreement by making this agreement, we might also remove it as a bar to the further transaction of business.

Mr. BRANDEGEE. If the Senator will allow me to say so,

I am heartily in accord with his motive and with what he says. I do not consider, however, that we are violating the unanimousconsent agreement that stands upon the face of the calendar simply by fixing an hour on the legislative day when we will take the vote, so that Senators may be warned and be here.

Mr. BORAH. As I said, I am not going to object. Both the Senator from Massachusetts [Mr. Lodge] and the Senator from New Hampshire [Mr Gallinger] think that it is perfectly proper, and they are good authority on parliamentary questions, but there are a great many precedents against it. I presume, however, that this may be considered as establishing once for all in the Senate that this kind of an agreement is not a violation of such a unanimous-consent agreement.

Mr. LODGE. We make a further agreement to fix a time in the same legislative day to vote. That has been done repeatedly. Mr. BORAH. It has been done repeatedly, but several times

within the last few months it was refused.

Mr. LODGE Unanimous-consent agreements to conclude a bill on a legislative day are comparatively new in the Senate, and I think they are a very poor kind of unanimous-consent agreements. I think we ought to fix an hour for voting.

Mr. BORAH. This establishes a precedent in the future. Mr. BRANDEGEE. I do not think it establishes a precedent. It is in accordance with several precedents which have been made. For instance, on April 18, 1912, the Senate agreed by unanimous consent, which I have here in my hand, to vote upon the bill known as the compensation of railway employees, and upon May 2, 1912, it further agreed that "on Monday next, not later than 4 o'clock, the Senate will proceed without further debate," and so forth, to vote upon that bill. There are plenty of precedents for the action.

Mr. GALLINGER. Mr. President, I desire simply to say that if we agree to vote upon this bill on Monday next we will be voting upon the legislative day fixed originally.

Mr. BRANDEGEE. Of last Tuesday.
Mr. GALLINGER. Of last Tuesday. It does seem to me that it is competent for us to do that under the rules of the Senate

Mr. BRANDEGEE. I will ask unanimous consent that we vote upon this bill at 5 o'clock this afternoon.

Mr. GALLINGER. I am very glad the Senator from Con-

necticut makes that request.

Mr. BRANDEGEE. That will remove it as an obstruction.
Mr. GALLINGER. I desire to say—and I wish the chairman
of the Committee on Appropriations would say it instead of the
Senator from New Hampshire—that we have only two weeks to do the business of this Congress and the three Saturdays are preempted already. We will do no legislative business on those three days. It does seem to me that we ought to get this matter out of the way as speedily as possible and proceed with the other business of the session. I hope the amended request of the Senator from Connecticut will be granted.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Connecticut that—

Mr. WORKS. Mr. President, I am not going to object to the fixing of any time that may be satisfactory to other Senators, but I would not want it to be taken as consent on my part to the proposition that this is not a violation of the original unanimous agreement. It is so clearly in violation of the unani-mous-consent agreement for the legislative day I wonder how there can be any two opinions about it. When I consent to a unanimous agreement for a legislative day it means that full discussion will be allowed; that there will be no limitation upon it until the Senate is ready to vote; and in my absence a unanimous agreement is made that limits the time of discussion, which is a direct violation of the original agreement.

Mr. JONES. Mr. President, I agree with what the Senator from California has said, but I would not object to fixing a time for a vote on Monday. However, I know that there are several Senators who are not expecting to speak to-day and I hope the Senator from Connecticut will make his request for Monday. We can take up the appropriation bills to-day. The Army appropriation bill will be taken up this morning, and other appropriation bills may follow. So they will not be de-

layed at all.

Mr. BRANDEGEE. The only reason why I modified the request was to accommodate the Senator from Idaho, who suggested that the agreement is operating as an obstruction to the gested that the agreement is operating as an obstruction to the business of the Senate. I will ask, just as I did, that we vote to-day not later than 5 o'clock, and then if the Senator from Washington objects, of course, I will ask for Monday.

Mr. JONES. Yes; I object. Mr. BRANDEGEE. The Senator does object. Therefore, I renew the original request that we vote upon the bill—commence voting—not later than 5 o'clock next Monday.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent that during the present legislative day, on Monday next, not later than 5 o'clock, the Senate will begin voting upon the bill and amendments pending and to be offered, and proceed to a conclusion of the same through the regular legislative methods. Is there objection?

Mr. BRISTOW. Mr. President, I am not specially interested in this legislation except as it may affect unanimous-consent

agreements.

I want to take issue with the Senator from Massachusetts in his objection to the policy of fixing a legislative day instead of a certain hour on which to vote. My short experience here is that a fixed hour has always proved unsatisfactory, because amendments were offered when no explanation could be made without violating the unanimous-consent agreement, and I have not known of a bill on which there was much controversy, where there was a fixed hour set, that by some indirection the unanimous-consent agreement has not been violated by some Members of the Senate in order to get in an argument.

But on this measure my mind has been pretty well made up, and I am not offering an objection, though I think it is in violation of the unanimous-consent agreement absolutely, without

any question.

Mr. GALLINGER. Mr. President, in view of the statements that have been made by several Senators that this is in violation of the unanimous-consent agreement, I object to the request made by the Senator from Connecticut.

The PRESIDENT pro tempore. The Senator from New

Hampshire objects.

Mr. DU PONT obtained the floor.

Mr. BRANDEGEE. Mr. President, will the Senator from Delaware yield to me?

Mr. DU PONT. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. Mr. President, in view of the objection of the Senator from New Hampshire [Mr. Gallinger], I want to say that I think perhaps he has wisely objected to the request for unanimous consent. Some Senators object to any unanimous-consent agreement for a vote on a legislative day,

seeing the difficulties into which we are brought by that process. Other Senators, who desire unlimited debate, object to the fixing of a calendar day to take a vote upon any measure, and until the Senate can arrive by some consensus of opinion upon how to proceed to get to a vote on an important measure which it wants to dispose of, I do not think there is any better way to proceed than to keep this obstruction before the Scnate until the minds of Senators are concentrated upon the obstruction, so that they will agree upon some method under which we can do business. I therefore give notice that, inasmuch as I am unable to secure the fixing of a time to vote upon this measure, in view of the fact that it was agreed to vote upon it upon the legislative day of last Tuesday, so far as is within my power, under parliamentary rules, subject to appropriation bills and conference reports, I shall attempt to keep the measure before the Senate as long as the Senate will stay in session each day.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House accepts the invitation of the Senate to attend the memorial services to commemorate the life, character, and public services of the Hon. James S. Sherman, late Vice President of the United States, on Saturday February 15, 1913, at 10 minutes to 12 o'clock a. m.

The PRESIDENT pro tempore. The Chair lays before the Senate the following resolution from the House of Representa-

tives, which will be read.

The Secretary read as follows:

Resolved, That on Saturday, February 15, 1913, at 10 minutes to 12 o'clock, ante meridian, pursuant to the resolution heretofore adopted, accepting the invitation of the Senate to attend the memorial services to commemorate the life, character, and public services of the Hon. James S. Sherman, late Vice President of the United States, the House shall proceed with the Speaker to the Senate Chamber, and at the conclusion of the services it shall return to this Chamber.

The PRESIDENT pro tempore. The resolution will lie on the table.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. CURTIS. From the Committee on Appropriations I report favorably with amendments the bill (H. 28409) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, and I submit a report (No. 1209) thereon. I give notice that I will call up the bill for consideration when the Army bill shall have been disposed of.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. NELSON. From the Committee on Commerce I report favorably with amendments the bill (H. R. 28180) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and I submit a report (No. 1210) thereon. I desire to say that I shall ask the Senate to consider the bill on Monday next, after the conclusion of the routine morning business

Mr. STONE. Will the report and the bill as reported be or-dered printed? I should like to see them to-morrow morning.

The PRESIDENT pro tempore. They are always printed under the rule, and it will be so ordered. The bill will be placed on the calendar.

ARMY APPROPRIATION BILL.

Mr. DU PONT. I ask that the Senate proceed to the consideration of the bill (H. R. 27941) making appropriations for the support of the Army for the fiscal year ending June 30, 1914.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 27941) making appropriations for the support of the Army for the fiscal year ending June 30, 1914, which had been reported from the Committee on Military Affairs with amendments.

Mr. DU PONT. I ask that the formal reading of the bill be

dispensed with, that the bill be read for amendment, and that

the committee amendments have precedence.

The PRESIDENT pro tempore. The Senator from Delaware asks that the formal reading of the bill be dispensed with and that the bill be read for amendment, the committee amendments to have precedence. Is there objection? The Chair hears none, and that order is made.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Military Affairs was, under the subhead "Office of the Chief of Staff," on page 2, line 16, after the name "Manila," to insert "and the cost of special instruction at home and abroad, in maintenance of students and attachés," so as to make the clause read.

Contingencies military information section, General Staff Corps: For contingent expenses of the military information section, General Staff Corps, including the purchase of law books, professional books of reference, professional and technical periodicals and newspapers, and of the military attaches at the United States embassics and legations

abroad; and of the branch office of the military information section at Manila and the cost of special instruction at home and abroad, in maintenance of students and attaches, to be expended under the direction of the Secretary of War, \$10,000: Provided, That section 3648, Revised Statutes, shall not apply to subscriptions for foreign and professional newspapers and periodicals to be paid for from this appropriation.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Chief Signal Officer," in the item of appropriation for expenses of the Signal Service of the Army, on page 5, line 19, after the word "machines," to strike out:

Word "machines," to strike out:

Provided further, That from and after the passage and approval of this act the pay and allowances that are now or may be hereafter fixed by law for officers of the Regular Army shall be increased 50 per cent for such officers as are now or may be hereafter detailed by the Secretary of War on aviation duty: Provided, That this increase of pay and allowances shall be given to such officers only as are actual fivers of heavier-than-air craft, and while so detailed: Provided further, That no more than 30 officers shall be detailed to the aviation service: Provided further, That paragraph 2 of section 26 of an act of Congress approved February 2, 1901, entitled "An act to increase the efficiency of the permanent military establishment of the United States," shall not limit the tour of detail to aviation duty of officers below the grade of lieutenant colonel: Provided further, That nothing in this provision shall be construed to increase the total number of officers now in the Regular Army. Regular Army.

The amendment was agreed to.

The next amendment was, under the subhead "Pay of officers of the line," on page 7, line 2, after the sum "\$7,710,800," to insert: "Provided, That hereafter, in the administration of the act of Congress approved August 24, 1912, service actually performed by any officer with troops prior to December 15, 1912, as a regimental, battalion, or squadron staff officer shall be deemed to have been duty with a battery, company, or troop," so as to make the clause read:

For pay of officers of the line, \$7.710,800: Provided, That hereafter, in the administration of the act of Congress approved August 24, 1912, service actually performed by any officer with troops prior to December 15, 1912, as a regimental, battalion, or squadron staff officer shall be deemed to have been duty with a battery, company, or troop.

Mr. DU PONT. I move to amend the amendment of the committee, in line 7, after the word "officer," by inserting a comma.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to. The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, under the subhead "Pay to clerks, messengers, and laborers at headquarters of divisions, departments, posts commanded by general officers, and office of the Chief of Staff," on page 10, after line 2, to insert:

In all, \$317,840.

The amendment was agreed to.

The next amendment was, under the subhead "For pay of officers of the Staff Corps and staff departments," on page 11, line 8, after the sum "\$95,695," to strike out:

Provided, That hereafter no further appointments of pay clerks shall be made.

So as to make the clause read:

For pay of 85 pay clerks, at \$1,125 each per annum, \$95,625.

The amendment was agreed to.

The next amendment was, on page 11, line 21, before the word "nurses," to strike out "twenty-five" and insert "fifty," and, in the same line, after the word "(female)," to strike out "\$5,620" and insert "\$106,030," so as to read:

For pay of 150 nurses (female), \$106,030.

The amendment was agreed to.

The next amendment was, under the subhead "Retired ficers," on page 12, line 13, after the sum "\$2,877,000," to officers," insert:

Insert:

Provided, That hereafter when any officer who has been retired from active service and placed on the retired list on account of physical disability is found by an examining board, to be appointed by the Secretary of War, under the direction of the President, to be morally, physically, mentally, and professionally qualified for active service, the President may, in his discretion, by and with the advice and consent of the Senate, reappoint such officer upon the active list of the Army as an extra officer of the arm or branch in which the officer was commissioned at the time of his retirement, in the grade and with the lineal rank he would have held had he not been retired: Provided further, That such officer shall continue as an extra officer only until such time as a vacancy shall occur in his grade and arm of the service; and if again retired for physical disability, he shall be retired from active service with the rank held by him before his reappointment, or wholly retired from the service by the President as provided by existing law; but if his second retirement is for disability arising from wounds received in action, he shall have the rank on the retired list held by him at the time of such retirement: Provided further, That no officer reappointed under the provisions of this act shall be placed above another either in grade or lineal rank, in the same arm or branch, whose active service as a commissioned officer exceeds that of the officer reappointed, and for the purposes of this proviso commissioned service on the active list and on active duty while on the retired list shall be taken into consideration:

And provided further, That hereafter in the computation of longevity pay the time served on active detail by retired Army officers shall be added to the service of said officers prior to retirement for the computation of the pay to which they shall be entitled while serving on active detail.

Mr. CLARKE of Arkansas. Mr. President, it is not necessary to consume time to consider that amendment. I think it clearly out of order. It is general legislation. It is proposed to change the rule now applicable to retired officers and confer upon officers of that class the right to be reassigned to active service in the Army under certain conditions. If that is to be done at all, it ought to be done after the whole subject has been independently considered and worked out, so that we may know that it will not be used for purposes of partiality and preference. I think it is an exceedingly inappropriate provision to be included at this time; and I make the point of order that it is general legislation that can not now be con-

sidered in the face of objection.

Mr. DU PONT. Mr. President, this amendment has received very full consideration, not only at the hands of the War Department, but in the committee. It originated in the committee, was sent up to the department, thrashed over there, sent back to the committee, and finally passed with the approval of the committee. It is intended and designed to put an end to the anomalous state of affairs under which the Government is now paying several officers retired pay who are perfectly able in every respect—physically, morally, and mentally—to do active duty. The number of these officers is very few, but if there were only one it would be right and just both to the Government and to the officer to put him back, if he so desires, on the active list.

This amendment refers, of course, strictly and solely to officers who are retired for physical disability. No officer is retired for physical disability unless a board of medical officers shall have found that he is permanently disqualified for duty: but, as we all know, medical officers, whether on boards or individually, are but human, and occasionally, in rare instances, a man who, in the opinion of a medical board, is permanently unfit for active duty, is found, after the lapse of six months or a year, to be perfectly restored in every way, and this is usually in the case of some of the younger officers where youth is a determining factor.

There are three bills pending in Congress to restore officers of this kind to the active list. It was deemed wiser and better to make a general provision to cover these cases than to have the legislation done piecemeal and from time to time. self that it is wise, proper, and just legislation, particularly to the Government, and incidentally to the officers affected. I therefore hope the Senator from Arkansas will withdraw his

point of order.

Mr. JOHNSTON of Alabama. I should like to say to the Senator from Arkansas that this amendment is in the interest of economy. These officers that have been retired are retired on three-fourths pay, and when they are brought back only onefourth is added to the salary which they are now drawing while they are not doing anything. They simply take their places in the rank to which they would have been entitled by their service. So I think if the Senator will consider that this is in the line of economy and retrenchment, he will not make the point of order.

Mr. CLARKE of Arkansas. Of course, a good deal of what has been said has been for the very commendable purpose of enlightening me about matters which are pretty well known even to persons who have not been here as long as I have. There is some sort of presumption that I have at least a little familiarity with some of the things that have been exploited here for my benefit.

It was not my intention to discuss the merits of this matter at this time. It was clearly out of order, and I thought that would have disposed of it. But whenever I see anything come up from the War Department in the interest of economy, I begin to sift it pretty closely; and I should like to see it verified on some occasion when we will have ample time and opportunity

to discuss it.

Mr. DU PONT. Will the Senator yield to me for a moment? Mr. CLARKE of Arkansas. I shall be glad to yield; yes.

Mr. DU PONT. I simply wish to call the attention of the Senator from Arkansas to the fact that this suggestion did not come from the War Department. It came from the Military Affairs Committee. It was referred to the department, and was approved in a rather perfunctory manner-not very warmly, but still it was approved.

Mr. CLARKE of Arkansas. There will be something to be said about it whenever we reach it as a serious proposition of legislation. I make the point of order that we can not do it

to-day.

The PRESIDENT pro tempore. The point of order is sustained.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, under the subhead "Miscellaneous," on page 15, line 18, after "\$550,000," to insert "of which \$100,000 shall be immediately available," so as to read:

For mileage to officers, acting dental surgeons, veterinarians, contract surgeons, pay clerks, and expert accountant, Inspector General's Department, when authorized by law, \$550,000, of which \$100,000 shall be immediately available.

The amendment was agreed to.

The next amendment was under the subhead "Philippine Scouts," on page 18, line 4, after the word "precluding," to strike out "Army paymasters" and insert "officers of the Quartermaster Corps," so as to make the clause read:

Quartermaster Corps," so as to make the clause read:

All the money hereinbefore appropriated for pay of the Army and miscellaneous, except the appropriation for mileage of officers, acting dental surgeons, contract surgeons, veterinarians, pay clerks, and expert accountant Inspector General's Department, when authorized by law, shall be disbursed and accounted for by officers of the Quartermaster Corps as pay of the Army, and for that purpose shall constitute one fund: Provided, That hereafter section 3620, Revised Statutes, as amended by the act of Congress approved February 27, 1877, shall not be construed as precluding officers of the Quartermaster Corps from drawing checks in favor of the person or institution designated by indorsement made on his monthly pay account by any officer of the Army if the pay account has been deposited for payment on maturity in conformity with such regulations as the Secretary of War may prescribe: Provided further, That payment by the United States of a check on the indorsement of the indorsee specified on the pay account shall be a full acquittance for the amount due on the pay account.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, on page 18, line 24, after "\$350,000," to insert: "Provided, That of the amount herein appropriated the Secretary of War is hereby authorized to expend \$50,000, or so much thereof as may be necessary, for the acquisition, by purchase or condemnation, of the necessary land for a suitable range for Field Artillery target practice, the land to be of such general character as to permit its use for the instruction of troops of other arms, to be located within the eastern military division, and to be so situated as to present a high degree of availability for concentration of Field Artillery," so as to make the clause read:

Encampment and maneuvers, Organized Militia: For paying the expenses of the Organized Militia of any State, Territory, or of the District of Columbia, which may be authorized by the Secretary of War to participate in such encampments as may be established for the field instruction of the troops of the Regular Army, as provided by sections 15 and 21 of the act of January 21, 1903, entitled "An act to promote the efficiency of the militia, and for other purposes," to be immediately available and to remain available until the end of the fiscal year 1915, \$350,000: Provided, That of the amount herein appropriated the Secretary of War is hereby authorized to expend \$50,000, or so much thereof as may be necessary, for the acquisition, by purchase or condemnation, of the necessary land for a suitable range for Field Artillery target practice, the land to be of such general character as to permit its use for the instruction of troops of other arms, to be located within the eastern military division, and to be so situated as to present a high degree of availability for concentration of Field Artillery.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, on page 19, line 19, after the word "expended," to strike out "\$185,000" and insert "\$275,000," so as to make the clause read:

Equipment of Coast Artillery armories, Organized Militia: Equipment of Coast Artillery armories, Organized Militia—Dummy guns and mortars, mounts for dummy guns and mortars, dummy ammunition, loading appliances, range and position finding equipment, aiming and laying devices, subcaliber tubes and mountings therefor, labor and material necessary to install dummy guns and mortars, and to provide appliances and devices for instructional purposes in armory buildings provided by States for Coast Artillery companies of the Organized Militia, to be immediately available and remain available until expended, \$275,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 20, to insert:

The next amendment was, on page 19, after line 20, to insert:

To meet the expenses incident to holding an international rifle-shooting competition at Camp Perry, Ohio, in cooperation with the Perry Victory Centennial Celebration to be held in September, 1913: In connection therewith the Secretary of War is hereby authorized to loan to the management of the tournament such new United States magazine rifles, caliber 30, model 1903, as may be necessary to carry out the regulations of the international union and to detail officers and men to conduct the tournament, \$25,000: Provided, That the rifles and equipment of the visiting riflemen be admitted under bond, and that the ammunition and personal effects of such riflemen be admitted to the United States without the imposition of duty.

The amendment was agreed to

The amendment was agreed to.

The next amendment was, under the subhead "Subsistence of the Army," on page 20, line 13, before the word "hospital," to insert "including employees of the harbor boat service," so as to read:

Purchase of subsistence supplies: For issue, as rations to troops, civil employees when entitled thereto, including employees of the harbor boat service, hospital matrons, nurses, applicants for enlistment while held under observation, etc.

The amendment was agreed to.

The next amendment was, on page 21, line 10, before the word "rations," to strike out "regular established" and insert "regulation," so as to make the proviso read:

And provided further, That no competitor shall be entitled to commutation of rations in excess of \$1.50 per day, and when meals are furnished no greater expense than that sum per man per day for the period the contest is in progress shall be incurred. For payments: Of commutation of rations to the cadets at the United States Military Academy in lieu of the regulation ration, at the rate of 30 cents per ration.

Mr. DU PONT. Mr. President, there is a slight error there, which I move to correct. On line 10, page 21, the words "regular established" should remain, and in line 11 the word "regulation" should go in instead of "regular," so as to read:

In lieu of the regular established ration, at the rate of 30 cents per ration; of the regulation allowances of commutation.

That is the way it should be. It is a mistake in the printing. The PRESIDENT pro tempore. The Secretary will report the proposed amendment.

Mr. DU PONT. I move that the amendment be modified as I have suggested.

The PRESIDENT pro tempore. Does the Senator move to strike out and insert?

Mr. DU PONT. I move to strike out "regulation," in line 10. The PRESIDENT pro tempore. The proper course is to disagree to the amendment. When it is voted down, the bill will stand as originally drafted, without the amendment.
Mr. DU PONT. Yes.

The amendment was rejected.

Mr. DU PONT. I now move, on line 11, page 21, before the word "allowances," to strike out "regular" and insert "regulation."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, in the item of appropriation for purchase of subsistence supplies, on page 22, line 11, after the word "Army," to insert: "and for extraordinary expense of subsistence of West Point cadets while attending inaugural ceremony not to exceed \$2,000, which shall be immediately available": and in line 14, after the words "in all," to strike out "\$9,098,517" and insert "\$9,140,097," so as to read:

"\$9,140,091," so as to read:

For providing prizes to be established by the Secretary of War for enlisted men of the Army who graduate from the Army schools for bakers and cooks, the total amount of such prizes at the various schools not to exceed \$900 per annum; for other necessary expenses incident to the purchase, testing, care, preservation, issue, sale, and accounting for subsistence supplies for the Army; and for extraordinary expense of subsistence of West Point cadets while attending inaugural ceremony not to exceed \$2,000, which shall be immediately available; in all, \$9,140,097.

The amendment was agreed to.

The next amendment was in the item of appropriation for The fiext amendment was in the item of appropriation for regular supplies of the Quartermaster Corps, on page 22, line 25, before the word "surgeons," to strike out "acting" and insert "contract," and on page 23, line 1, before the word "dental," to strike out "contract" and insert "acting," so as to read:

Regular supplies, Quartermaster Corps: Regular supplies of the Quartermaster Corps, including their care and protection, consisting of stoves and heating apparatus required for heating offices, hospitals, barracks and quarters, and recruiting stations, and United States military prison; also ranges, stoves, coffee roasters, and appliances for cooking and serving food at posts, in the field, and when traveling, and repair and maintenance of such heating and cooking appliances; authorized issues of candles and matches; for furnishing heat and light for the authorized allowance of quarters for officers and enlisted men, for contract surgeons and acting dental surgeons when stationed at and occupying public quarters at military posts, for officers of the National Guard attending service and garrison schools, and for recruits, guards, hospitals, storehouses, offices, and buildings erected at private cost in the operation of the act approved May 31, 1902.

The amendment was agreed to.

The anext amendment was agreed to.

The next amendment was in the item of appropriation for regular supplies of the Quartermaster Corps, on page 24, line 9, after the word "depots," to insert "and on military reservations in the Hawaiian and Philippine Islands," so as to read:

For seeds and implements required for the raising of forage at remount depots and on military reservations in the Hawaiian and Philippine Islands, and for labor and expenses incident thereto; for straw for soldiers' bedding, stationery, typewriters and exchange of same, including blank books and blank forms for the Quartermaster Corps, certificates for discharged soldiers, and for printing department orders and reports.

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was in the item of appropriation for regular supplies of the Quartermaster Corps, on page 25, line 19, after the word "paid," to strike out "\$7,634,553" and insert "\$7,660,153," so as to make the proviso read:

Provided, That the funds received from such sales and in payment for such laundry work shall be used to defray the cost of operation of sald ice, laundry, and electric plants; and the sales and expenditures herein provided for shall be accounted for in accordance with the

methods prescribed by law; and any sums remaining, after such cost of maintenance and operation have been defrayed, shall be deposited in the Treasury to the credit of the appropriation from which the cost of operation of such plant is paid, \$7,060,153.

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, in the item of appropriation for incidental expenses of the Quartermaster Corps, on page 27, line 8, after the word "dishonorable," to strike out "discharges" and insert "discharge," so as to read:

For the apprehension, securing, and delivering of deserters, including escaped military prisoners, and the expenses incident to their pursuit, and no greater sum that \$50 for each deserter or escaped military prisoner shall, in the discretion of the Secretary of War, be paid to any civil officer or citizen for such services and expenses; for a donation of \$5 to each dishonorably discharged prisoner upon his release from confinement, under court-martial sentence, involving dishonorable discharge

The amendment was agreed to.

The next amendment was, in the item of appropriation for the purchase of horses for the Cavalry, Artillery, Engineers, etc., on page 28, line 22, after "\$325,240," to insert "of which \$100,000 shall be immediately available," so as to make the proviso read:

Provided further, That no part of this appropriation shall be expended for the purchase of any horses below the standard set by Army Regulations for Cavalry and Artillery horses, except when purchased as remounts or for instruction of cadets at the United States Military Academy, \$325,240, of which \$100,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, in the item of appropriation for barracks and quarters, on page 30, line 4, after the words "Secretary of War," to strike out \$1,847,500" and insert "\$2,073,680," so as to make the proviso read:

Provided further, That the number of and total sum paid for civilian employees in the Quartermaster Corps shall be limited to the actual requirements of the service, and that no employee therein shall receive a salary of more than \$150 per month, except upon the approval of the Secretary of War, \$2,073,680.

The amendment was agreed to.

The next amendment was, on page 30, line 14, after "\$40,000," to insert: "Provided," That not to exceed \$1,300 of this sum, to be made immediately available, may be used for the payment of existing indebtedness on the chapel building at Fort Sam Houston, Tex., which was incurred subsequent to March 3, 1911, for placing this chapel in condition for temporary use for recrea-tion purposes by enlisted men of the maneuver division then encamped at Fort Sam Houston, Tex.," so as to make the clause

Military post exchange: For continuing the construction, equipment, and maintenance of suitable buildings at military posts and stations for the conduct of the post exchange, school, library, reading, lunch, amusement rooms, and gymnasium, including repairs to buildings erected at private cost in the operation of the act approved May 31, 1902, to be expended in the discretion and under the direction of the Secretary of War, \$40,000: Provided, That not to exceed \$1,300 of this sum, to be made immediately available, may be used for the payment of existing indebtedness on the chapel building at Fort Sam Houston, Tex., which was incurred subsequent to March 3, 1911, for placing this chapel in condition for temporary use for recreation purposes by enlisted men of the maneuver division then encamped at Fort Sam Houston, Tex.

The amendment was agreed to.

The next amendment was, on page 33, line 21, after "\$642,597," to insert: "Provided, That upon the completion of a satisfactory to insert: "Provided, That upon the completion of a satisfactory sidewalk approximately 600 feet in length on Revere Street, Winthrop, Mass., bordering the property of the Government at Fort Banks, the Secretary of War is authorized to pay to the town of Winthrop not exceeding \$1,500 of the amount herein appropriated: Provided further, That one-half of the cost of said sidewalk shall be borne by the said town: And provided further, That the Secretary of War is authorized and directed to sell the ripe timber in the Fort Canby Military Reserve, Wash., and so much of the money received therefrom as may be needed shall be expended, under the direction of the Secretary of War, for the improvement of Fort Canby military read tary of War, for the improvement of Fort Canby military road in said reserve which connects with the road leading from the town of Ilwaco, Wash., to the grounds of the United States lifesaving station and lighthouse, and any surplus money shall be turned into the Treasury of the United States," so as to make

Roads, walks, wharves, and drainage: For the construction and repairs by the Quartermaster Corps of roads, walks, and wharves; for the pay of employees; for the disposal of drainage; for dredging channels and for care and improvement of grounds at military posts and stations, \$642,597: Provided, That upon the completion of a satisfactory sidewalk approximately 600 feet in length on Revere Street, Winthrop, Mass., bordering the property of the Government at Fort Banks, the Secretary of War is authorized to pay to the town of Winthrop not exceeding \$1,500 of the amount herein appropriated: Provided further, That one-half of the cost of said sidewalk shall be borne by the said town: And provided further, That the Secretary of War is authorized and directed to sell the ripe timber in the Fort Camby Military Reserve, Wash., and so much of the money received therefrom as may be needed shall be expended, under the direction of the Secretary of War, for the improvement of Fort Canby military road in said reserve

which connects with the road leading from the town of Ilwaco, Wash., to the grounds of the United States life-saving station and lighthouse, and any surplus money shall be turned into the Treasury of the United States.

Mr. DU PONT. Mr. President, I suggest that, on page 33, line 22, after the word "approximately," the word "six" should be changed to "sixteen." That is a typographical error.

The PRESIDENT pro tempore. The amendment to the

amendment will be stated.

The Secretary. On page 33, in the committee amendment, line 22, it is proposed to strike out "six" before the word "hundred" and to insert in lieu thereof "sixteen."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, on page 34, line 23, after the word "employees," to strike out "\$1,519,290" and insert "\$1,539,910," so as to make the clause read:

Water and sewers at military posts: For procuring and introducing water to buildings and premises at such military posts and stations as from their situation require it to be brought from a distance; for the installation and extension of plumbing within buildings where the same is not specifically provided for in other appropriations; for the purchase and repairs of fire apparatus, including fire-alarm systems; for the disposal of sewage, and expenses incident thereto, including the authorized issue of tollet paper; for repairs to water and sewer systems and plumbing within buildings; and for hire of employees, \$1,539,910.

The amendment was agreed to.

The next amendment was, on page 35, line 11, after the word "amended," to strike out "\$100,000" and insert "\$155,000: Provided, That not to exceed \$55,000 of this amount may be used for the protection of the Signal Corps building and terrored to the strike of the Signal Corps building and terrored to the signal corps building and the minal grounds of the Alaska Military Cable and Telegraph System," so as to make the clause read:

Construction and maintenance of military and post roads, bridges, and trails, Alaska: For the construction, repair, and maintenance of military and post roads, bridges, and trails in the Territory of Alaska, to be expended under the direction of the board of road commissioners described in section 2 of an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the District of Alaska, and for other purposes," approved January 27, 1905, as amended by the act approved May 14, 1906, and to be expended conformably to the provisions of said act as amended, \$155,000: Provided, That not to exceed \$55,000 of this amount may be used for the protection of the Signal Corps building and terminal grounds of the Alaska Military Cable and Telegraph System.

The amendment was agreed to.

The next amendment was, on page 38, after line 23, to insert:

The heads of the several executive departments are authorized to enter into contracts for the lease, for periods of not exceeding 10 years, of modern fireproof storage accommodations within the District of Columbia for their respective departments, at rates per square foot of available floor space not exceeding 25 cents, payable from appropriations that Congress may from time to time make for rent of buildings for their respective departments.

Mr. SMOOT. That is a rather unusual provision, and I should like the Senator having the bill in charge to explain it. Mr. DU PONT. This provision was inserted upon the recommendation of the chairman of the Committee on Appropriations. and I will ask him, as he is better informed, to explain it.

has already been adopted in another bill. Mr. WARREN. Last year in the consideration of an appropriation bill a proposition came to the committee to construct a building for the Department of Commerce and Labor at a rental price per foot very much lower than what it was then paying. It came from the same company that makes a blu now. Such provision was made in the bill referred to. It was left to the discretion of the Secretary of Commerce and Labor, and through that legislation he was able to get even lower bids than the first offered. The contract was made with other parties for a building that is now being constructed and near completion, which adds a great deal to the room and convenience and puts it all under one cover, and costs a great deal less, everything considered.

We are paying now in some cases as high as a dollar a foot, and I think in no case, except in some stable, less than about 55 cents. The report of the economy, or Cleveland, commission brought out the fact that in the War Department there are, as I remember ft, 72 rooms that would be first class, or at least perfectly suitable rooms for clerks for office use, that are now

used for the storage of papers.

Therefore, instead of renting high-priced buildings and paying at a rate of from 75 cents to a dollar a foot, it seemed best to allow the War Department to have the privilege of contracting for and renting a building at not exceeding 25 cents a foot, the contractor, however, to be at the expense of moving the records into the new building. It is in the interest of economy.

Mr. DU PONT. It is to be a fireproof building.

Mr. WARREN. Yes; a fireproof building. We were assured that there will be offers made of not exceeding the price of 25 cents a foot in some locality, acceptable to the Secretary of War, within two minutes' walk of the department, which will take care of these records and the records of other departments. If that is done, it will be a very large saving of money in rental. We all know that we are paying several hundred thousand dollars here in the District of Columbia for the rent of buildings

Mr. SMOOT. Did I understand the Senator to say that the same provision has been put in appropriation bills heretofore?

Mr. WARREN. Yes.

Mr. SMOOT. For the Department of Commerce and Labor? Mr. WARREN. Last year in an appropriation bill we provided in just this way, only at not so low a price, because we had to have an office building for the Department of Commerce and Labor. Under that authority the Secretary proceeded to get bids. He received bids lower than those made by the contractors who had given us the price. Of course, he was to get as low as he could. Very satisfactory arrangements have been made. But that building would not provide for this further need.

The amendment was agreed to.

The next amendment was, on page 39, line 10, after the words "Philippine Islands," to strike out "\$491.48" and insert "\$1,652.43," so as to make the clause read:

Claims for damages to and loss of private property: For settlement of claims for damages to and loss of private property belonging to citizens of the United States, Hawaii, and the Philippine Islands, \$1,652.43.

The amendment was agreed to.

The next amendment was, under the subhead "Medical department," on page 39, line 13, after the word "included," to strike out "ambulance" and insert "ambulances," so as to read:

Medical and hospital department: For the purchase c' medical and hospital supplies, including ambulances and disinfectants, and the exchange of typewriting machines for military posts, camps, hospitals, hospital ships, and transports; for expenses of medical supply depots; for medical care and treatment not otherwise provided for, including care and subsistence in private hospitals of officers, enlisted men, and civilian employees of the Army, of applicants for enlistment, and of prisoners of war and other persons in military custody or confinement, when entitled thereto by law, regulation, or contract.

The reading of the bill was continued to line 22, on page 39. Mr. DU PONT. I move that a comma be inserted after the word "hospitals," on page 39, line 18.

The PRESIDENT pro tempore. Without objection the

amendment is agreed to.

The reading of the bill was continued.

The next amendment was in the item of appropriation for purchase of medical and hospital supplies, on page 40, line 21, after the words "Medical Department," to strike out "\$750,000" and insert "\$775,000," so as to read:

For the payment of express companies and local transfers employed directly by the Medical Department for the transportation of medical and hospital supplies, including bidders' samples and water for analysis; for supplies for use in teaching the art of cooking to the Hospital Corps; for the supply of the Army and Navy Hospital at Hot Springs, Ark.; for advertising, laundry, and all other necessary miscellaneous expenses of the Medical Department, \$775,000.

The amendment was agreed to.

The next amendment was, under the subhead "Ordnance Department," on page 45, line 7, after "\$200,000," to strike out "Provided, That no part of any sum in this act appropriated shall be expended in the purchase of ordnance powder at a price in excess of 53 cents per pound or for small-arms powder at a price in excess of 65 cents per pound," so as to make the clause read:

Ordnance stores—Ammunition: Manufacture and purchase of ammunition and materials therefor for small arms for reserve supply; ammunition for burials at the National Soldiers' Home in Washington, D. C.; ammunition for firing the morning and evening gun at military posts prescribed by General Orders, No. 70, Headquarters of the Army, dated July 23, 1867, and at National Home for Disabled Volunteer Soldiers and its several branches, including National Soldiers' Home in Washington, D. C., and soldiers' and sailors' State homes, \$200,000.

Mr. BRISTOW. I wish to make some inquiry about the amendment striking out lines 8, 9, 10, and 11.

Mr. DU PONT. I will state to the Senator from Kansas that those lines were stricken out, over an objection made by me, at the instance of the chairman of the Committee on Appropriations, who requested that this action be taken by our committee in order that the amendment would go into conference and be harmonized there with the action to be taken with respect to the fortifications appropriation bill and the naval appropriation bill, in which similar items occur.

Mr. BRISTOW. My attention was called to the matter in the last few hours. A statement and a copy of the hearings in the House were transmitted to me indicating that the cost of do not know what information the House Committee on Mili-

making powder was only about 35 cents a pound; and that being the case, it would seem that ample latitude had been given in the provision which it is proposed to strike out.

Mr. WARREN. The Senator has evidently not had his attention turned to other parts of the report, which quote quite dif-

ferently from that.

It is an old matter; a matter that has come up annually for many years. In the first place, we were buying all of our powder from private concerns, and the only large concern that was fitted and equipped to make Government powder in large quantities was the Du Pont Co. It seemed best for the Government, first, to know what it would cost, and also be in a position to manufacture some powder.

It was my duty in serving upon the Committee on Appropriations to work as one of the subcommitteemen on the fortifications bill, and in the Army appropriation bill we had to take up this matter of powder. We provided on the Army side, under management of Gen. Crozier, Chief of Ordnance, that we would erect a powder factory, the idea being that we would erect an establishment large enough so that the eight-hour-a-day work would leave a possible extension of three times the usual product, through three shifts of workmen, in the case of war, in the manufacture of powder, and that additions could be made to the plant in case of serious war, the fact being impressed upon us that in war times we could not buy the powder abroad, as the Senator knows. The neutrality and the comity of nations would prevent it, and it was found that it would be impossible as then equipped, with all the machinery we had in the United States, to furnish the powder we might need, or any large percentage of it, in case of actual war.

So the United States went into the manufacture of powder in this way, without the intention of undertaking to make all the powder we use, but with the intention of knowing what it would cost and what quality we wanted, and so as to insist on other powders being all right as to both price and quality.

The year after, or the next year, the Navy proceeded in the same way, and they have a powder factory. We proceeded in that way, keeping the idea in view that out of the \$5,000,000 investment in Delaware, of which over \$4,000,000 is for making the Government powder, they should have a certain amount of this work to do in the interest of the United States at a price that would cover the cost. I have looked at all the tables. I find that, taking Gen. Crozier's tables, they start in, like they do in the manufacture of gas or electricity, and first figure the cost of the actual material bought and of the men paid, and then they have later regarded overhead charges so far as the Government is concerned.

The charges in another table, as the Senator will find, amount to something like 45 or 48 cents; and there is no fire loss charge, because the United States pays nothing for insurance and sets apart nothing for fire risks. There is nothing for taxes, because the United States Governments pays no tax. The addition for interest is calculated at 3 per cent only, because I will say that is not the maximum but perhaps the average which the Government pays; and no regular depreciation is charged.

Last year the House put a maximum in the bill of 71 cents for powder which the Government should purchase, and we said nothing and let it go. Powder runs from about 40 cents to 98 cents or \$1.05 according to the quality. Of course, putting a maximum at a certain price would permit certain powder to come in under it and would block out certain other powders.

This concern came to the United States and said, "If you will give us so much powder to manufacture, the overhead charges are about the same whether we make 5,000,000 or 1,000,000 pounds, and so are the incidentals. Give us a contract of, say, 5,000,000 pounds and we will make it at 60 cents." I think a contract was let for 5,000,000 at 60 cents. The Government officers found that they did not need that much. they appealed, as is shown in the House hearings, to representatives of the company to know what bonus they would charge them to allow the Government to cut off the million or two million pounds that it did not need. The company responded that under the circumstances they could deliver it along at different dates to the Government—incidental to their commercial business-and they would charge nothing for the forfeit of contract; that they would be very glad to cut it down.

I believe that we ought to cut out the limits proposed, let the matter go to conference, and see what information the other House has, and see what may be done in conference, so that we may not get entangled in a situation where we would

not gain anything by the provision.

Mr. BRISTOW. The purpose is to have uniformity in all

of the bills regarding this matter?

Mr. WARREN. It is, and to get further information.

tary Affairs has. We propose to put it in conference, and for that purpose the clause was stricken out.

Mr. BRISTOW. What has been the experience of the Senator in regard to the powder factories that have been estab-

lished by the Government? Are they successful?

Mr. WARREN. I consider them successful in the way that they are run. I am sure they act as an assurance to the Government that the Government can make a certain amount, and, furthermore, they provide us all the time with tests as to cost and quality.

Mr. BRISTOW. That is, the powder which the Government is making is costing about 35 cents for the ordnance and

for the small arms about 48 cents.

It is costing that, as I said, for the abso-Mr. WARREN.

lute outgo for material and labor.

Mr. BRISTOW. If that is the case, why should we not make all of our powder instead of paying much more to a private

Mr. WARREN. In order to get that it would probably require the expenditure of \$5,000,000 to \$10,000,000 in works and materials. It takes so much apparatus, so much for buildings, and so forth, and about our only use of our big investment would be in war times. It would be possible to get along in times of peace with moderate powder works, but in times of war we would be entirely at the mercy of other countries unless we had a tremendous establishment.

Mr. BRISTOW. I have not studied the matter sufficiently to discuss it at length, my attention only having been called to it this afternoon, but I wanted to get all the information I could. It seems to me that we are not justified in paying so much for powder, and I think that further consideration should be given

to the matter.

Mr. WARREN. I can understand the way the Senator feels. If we can make our own powder, we ought to do it. I think that is right in a certain way, but we ought not to burn our bridges so that we would not have access to a certain amount of machinery in readiness to furnish us in time of war.

The amendment was agreed to,

Mr. McCUMBER. Is the bill now being considered for committee amendments only?

The PRESIDENT pro tempore. The committee amendments

are first in order.

Mr. McCUMBER. I wish to call the attention of the Senator in charge of the bill to something which does not appear as an amendment but is in the body of the bill which has just been passed over.

I call the attention of the Senator to page 16, where I find

two items. The first one reads:

For amount required to make monthly payment to Jennie Carroll, widow of James Carroll, late major and surgeon, United States Army, as per act of Congress approved May 23, 1908, \$1,500.

Immediately following that is the same amount to Mabel H. Lazear.

The Senator will remember that these two items were passed to the Committee on Military Affairs from the Pension Committee, and while they were considered as annuities rather than pensions, nevertheless I presume it was granted by the Senate because of the death of the husband. I am informed that one of these ladies-I do not remember which one-has remarried, and I do not think that the annuity or a pension, whatever it may be called, ought to be continued if that is the case. I have no definite information on it, and I simply ask the Senator if he has any knowledge concerning it?

Mr. DU PONT. I will say to the Senator from North Dakota that this is the first intimation I have heard of such a thing. No such information has reached the committee. If any definite information can be furnished, I have no doubt the committee

will take appropriate action.

Mr. BRISTOW. Mr. President, why not strike out this provision and let it go to conference? Then, in the meantime, the chairman of the committee can ascertain whether or not the statement is true.

Mr. WARREN. Mr. President, I presume the Senator from North Dakota is perfectly familiar with the origin of this legis-lation, and perhaps the Senator from Kansas also is. These are items providing for the widows of those officers who were patriotic enough to offer their bodies for experiment in regard to yellow fever and diseases of that kind in Cuba and other places. They lost their lives in consequence and have left large families.

Mr. BRISTOW. And if the widow remarries, of course she would not be entitled to this money.

Mr. WARREN. Possibly so. I know nothing of that; but these items come up in the regular estimates from the War by the act of March 3, 1900, for automatic rifles, and set aside by the

Department, as they have ever since they were provided for by

Mr. McCUMBER. If we had proceeded as we proceed in the regular pension cases, the matter would have been covered by a general law providing that as soon as a widow is remarried the pension shall cease, and the Pension Office generally ascertains that fact; but this is to be paid out of the Army appropriations, and does not go through the Pension Office at all. Therefore it is probably incumbent upon the Committee on Military Affairs or the War Department to ascertain whether both of these ladies are still widows. I may be entirely mis-

Mr. DU PONT. I have no objection, I will say to the Senator, to communicating with the War Department and asking them if they have any information on the subject. The only

Mr. LODGE. If this provision is not stricken out, the matter will not be open to settlement in conference.

Mr. WARREN. That is true. I should like an expression from the chairman of the Committee on Pensions about one These were extraordinary cases, as the Senator knows. Mr. McCUMBER. The amounts granted would indicate that,

of course, they were extraordinary cases.

Mr. WARREN. And if, as I recall, there are quite large families of children, some of whom are yet young, and if it so be that one of these women has remarried, and has married a man who is perhaps unable to take care of this family of children, would the Senator draw that strict line which we have heretofore drawn in regard to pensions? That is another matter to be considered. On general principles, I agree with the Senator.

Mr. McCUMBER. Then we might consider the children as the children of the officer.

Mr. WARREN. Yes.

Mr. Mccumber. But we could hardly consider a woman a widow and grant her a pension when she is a married woman. Mr. WARREN. In that case, in conference it would be competent to consider the wants of the children.

Mr. McCUMBER. I will say that I will try to see if I can get any definite information on the subject before the bill closes. My attention has just been called to the fact which I have stated; it was so reported in one of the newspapers. Before we get through with the bill probably I may obtain definite information, and I will call the attention of the chairman of the committee to it if I do.

Mr. DU PONT. I will say that I have no objection at all to having these items provisionally stricken out, so that they may

come up in conference for that purpose.

Mr. OVERMAN. Why not strike them out now, and let the matter go to conference, so as to ascertain whether the information is correct?

Mr. DU PONT. I will move, Mr. President, that the matter

be stricken out.

Mr. McCUMBER. I hope the Senator will not do that, because the information I have received may not be absolutely correct. I probably can ascertain more definitely before we get through with the bill, and it had better remain for the present. I may ascertain in a few moments.

Mr. WARREN. I want to take just a moment to say, as we are now surrounded by men who have gone through wars and since, to most men, it is nothing to go out to battle and take one's life in his hands, to be shot, as compared with a proposition to submit to an inoculation, which is almost certain death. in order to save others, in order to forward the science of medicine-

Mr. DU PONT. And to benefit mankind——
Mr. WARREN. These cases are really taken out of the category of ordinary pension cases. So, I say, we ought to hesitate before this matter is finally closed, to see that we do not do injustice. I had rather be overliberal than unjust.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, on page 46, after line 21, to insert:

Automatic machine rifles: For the purchase, manufacture, and test of automatic machine rifles, including their sights and equipments, to be available until the close of the fiscal year ending June 30, 1915, \$150,000.

The amendment was agreed to.

The next amendment was, on page 48, line 6, after the date "nineteen hundred and twelve," to insert: "Provided, That hereafter appropriations made for the Ordnance Department shall be available for the payment of royalties on all royalty contracts made during the availability of such appropriations," so as to make the clause read:

Ordnance Department for payment of royalties, is hereby made available for the payment of such royalty on automatic rifles completed during the fiscal year 1912: Provided, That hereafter appropriations made for the Ordnance Department shall be available for the payment of royalties on all royalty contracts made during the availability of such appropriations,

The amendment was agreed to.

The next amendment was, on page 48, after line 18, to insert:

On and after July 1, 1913, courts-martial shall be of three kinds, namely: First, general courts-martial; second, special courts-martial; and third, summary courts-martial.

General courts-martial may consist of any number of officers from 5 to 13 inclusive.

on and after July 1, 1913, couris-martial second, special courts-martial; and third, summary courts-martial; and third, summary courts-martial; and third, summary courts-martial may consist of any number of officers from 5 to 13, inclusive.

Special courts-martial may consist of any number of officers from three to five, inclusive.

A summary court-martial shall consist of one officer.

The President of the United States, the commanding officer of a territorial division or department, the Superintendent of the Military Academy, the commanding officer of an army, a field army, an army corps, a division, or a separate brigade, and, when empowered by the president, the commanding officer of any district or over necessary; but when any special courts brigade, and, when empowered by the product of the prosession of

Mr. DU PONT. I offer an amendment on behalf of the committee to the amendment, on line 9, page 52, after the word "repealed," to add the words which I send to the desk, the object being not to interfere with the courts actually in session at the time this provision of law goes into effect.

The PRESIDENT pro tempore. The amendment will be stated.

The Secretary. On page 52, line 9, after the word "repealed," it is proposed to add:

But courts-martial duly and regularly convened in orders issued prior to the date when this act takes effect and in existence on that date, under Articles of War hereby repealed, may continue as legal courts for the trial of cases referred to them prior to that date with the same effect as if this act had not been passed.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was concluded.

Mr. BRISTOW. Mr. President, on page 48, after line 18, I desire to offer an amendment, which I will read:

After January 1, 1914, no moneys appropriated in this bill for the purchase and maintenance of vehicles, other than automobile trucks, shall be used for the purchase and maintenance of any vehicles that are not drawn exclusively by mules.

Mr. WARREN. Whose mules?

Mr. LODGE. Mr. President, I should like to know more about that amendment before it goes through. It is clearly subject to a point of order. It is general legislation.

Mr. BRISTOW. I do not think it is subject to a point of

order.

It is general legislation.

Mr. BRISTOW. No; it relates to specific appropriations contained in this bill, and provides how they shall be expended.
Mr. BRANDEGEE. It is a limitation on the appropriation.

Mr. BRISTOW. It is not general legislation at all, but is a limitation on the appropriation.

Mr. LODGE. The point at which the Senator offers it relates to the loan of tents by the Secretary of War to the Grand Army

of the Republic and Confederate Veterans.

Mr. BRISTOW. Evidently the Senator did not pay close attention to the reading of the amendment. It is a separate paragraph and reads:

After January 1, 1914, no moneys appropriated in this bill for the purchase and maintenance of vehicles other than automobile trucks shall be used for the purchase and maintenance of any vehicles that are not drawn exclusively by mules.

The mule is an American animal, and a very useful one, and is hardier than the horse in the drawing of heavy loads.

Mr. BRANDEGEE. Is he exclusively American? Mr. BRISTOW. He may not be exclusively American.

Mr. WARREN. What about automobiles?

Mr. BRISTOW. The amendment cuts out the automobiles, of course.

Mr. WARREN. Then, you would have to buy more wagons, Mr. BRISTOW. Wagons are cheaper than automobiles, anyway; and I, for one, am tired of having my life endangered by automobiles that are driven by subordinate Government officials, with the name "Quartermaster's Department," or something like that, painted on them in nonpareil type.

Mr. SUTHERLAND. Does not the Senator think that a mule is quite as deadly as an automobile?

Mr. BRISTOW. He is not quite so speedy. Mr. BRANDEGEE. It depends upon which end you have

reference to. [Laughter.] Mr. BRISTOW. I thin I think my amendment would be a most excellent provision to incorporate in this bill, and would stop a very noxious abuse.

The PRESIDENT pro tempore. Does the Senator from Massachusetts make the point of order against the amendment? Mr. LODGE. I think it is subject to the point of order, though I recognize it is a limitation. It is, however, very gen-

eral in its character, affecting an entire branch of the service.

Mr. BRISTOW. It affects nothing except the appropriations

we are now making. Mr. LODGE. It affects only Army appropriations, but it is apparently designed for the promotion, development, and in-

crease of mules

Mr. BRISTOW. It is to prevent the misuse of the moneys we are now appropriating.

Mr. TILLMAN. And incidentally to make a market for mules. [Laughter.]

Mr. BRISTOW. Oh, no. I do not care anything about mules, except I think they are good beasts of burden. Mr. LODGE. I make the point of order against the amend-

ment, Mr. President,

The PRESIDENT pro tempore. The Chair does not think the point of order is well taken. The amendment relates strictly to

the subject matter of the appropriation.

Mr. WARREN. Mr. President, in private business I have advised people to do something like the Senator from Kansas They can be bought down in the southern part of the country quite freely; but I think this amendment is so sweeping that, instead of being a matter of economy and accommodation, it will obstruct and impede the proper handling of the vehicles of the Medical Department, the Quartermaster Corps, and other branches of the service. I should like to see an amendment of that kind have a little further consideration. I should like to hear what the responsible officers of the Army, who have charge of the administration of the law, have to say about it. I presume that what the Senator is aiming at particularly—and I have no fault to find with his amendment in that respect—is the abuse, in a private way, of the privileges of public vehicles and conveyances. I agree with him that that ought to be checked to the very last degree; but here is the entire Army, scattered all over this country, with quite a proportion of it at other points, with its ambulances and dougherties, light driving and freight wagons, one part arranged for horses and another part, of course, for automobiles. I should like to know what effect a change brought about on such short notice would have on the expense of the Army.

Mr. BRISTOW. I think, indeed, it will result in economy. As the Senator knows, in the various sections of the country, mules are now used for the drawing of these ordnance and commissary wagons. It is principally directed to the city of Washington, where Government officials drive thousand-dollar horses behind elegant vehicles, or buy automobiles for the use of a few people, who use them principally for private purposes,

though they are provided at public expense.

Mr. WARREN. The Senator is both right and wrong. He is right in saying that mules are used; that is true; but he is wrong in saying that they are exclusively used outside of Washington. He is quite wrong in that, because a great many of the posts use horses. I presume if the Senator will examine the posts in his own State he will find that a large proportion

of the motive power is horses instead of mules.

Mr. BRISTOW. That has not been my observation. Mr. WARREN. I will say to the Senator that I do not want to be led into any depreciation of the mule. recognized their utility for a good many years, and I wish we had more of them. It may be that we can eventually land in the territory which the Senator is laying out for us; but it is a little bit sudden, if I may use the expression, to put it with-

out previous consideration into an appropriation bill.

Mr. DU PONT. Mr. President, if the Senator will permit me, I stand, as I assume, with every other member of the committee, in favor of all reasonable and proper economies and as opposed to all abuses of the public transportation. But this matter has not been considered in the committee at all and was not brought up there. It is impossible to tell in advance what the actual results would be-whether they would be immediately expensive or immediately economical. It may be that in some places special conditions exist where the adoption of this amendment would result for the moment in a larger expenditure; and if that is the case, it would be in order to see whether, by making this larger expenditure for the moment, we could in the future produce great economies. All those things must be weighed.

Then there is a question in my mind about the care of the sick and the transportation of the sick to hospitals, as to whether they would be content to be carried in ambulances drawn by mules. There are a great many special questions that should be examined. I hope the matter will be more care-

fully investigated before we pass on it.

Mr. BRISTOW. I think the Senator will find that the ambulances are drawn by mules now. At least, that has been my observation.

Mr. DU PONT.

Mr. DU PONT. Not in this city. Mr. BRISTOW. They may not be in this city, but they are

in different parts of the country.

Mr. JOHNSTON of Alabama. I want to say that I am heartily in sympathy with the purpose of the Senator from Kansas in regard to this abuse of the purchase of unnecessary automobiles by officials of the Government; but his amendment would affect transportation facilities that I think it would hardly be proper to affect, because I am informed that the Quartermaster's Department have some steam automobile trucks, which they use in moving their very heavy freight.

Mr. BRISTOW. I have excluded trucks.
Mr. JOHNSTON of Alabama. The Senator has excluded them?

Mr. BRISTOW. Yes; automobile trucks are excluded. They are not within the inhibition of this amendment.

Mr. BBANDEGEE. I ask that the amendment may be again

reported.

The PRESIDENT pro tempore. The amendment will be stated by the Secretary.

The Secretary. On page 48, after line 18, it is proposed to insert:

After January 1, 1914, no moneys appropriated in this bill for the purchase and maintenance of vehicles, other than automobile trucks, shall be used for the purchase and maintenance of any vehicles that are not drawn exclusively by mules.

Mr. BRANDEGEE. Mr. President, let me ask the Senator from Kansas, why should not the Army be allowed to have vehicles drawn by horses if it wants to?

Mr. BRISTOW. The purpose of this amendment is to eliminate an abuse. I have been advised that the Army is paying as high as \$1,000 apiece for horses to draw carriages for the convenience and pleasure of Army officers and their families.

Mr. WARREN. Mr. President, I wish the Senator would give us his authority for that statement.

Mr. BRISTOW. I have seen it in the papers, and I have been advised that it is true by those who claim to know. Certainly I have seen horses on the streets of Washington drawing carriages of the Quartermaster's Department that I know were very expensive spans, and the equipage was very elegant. I

think that is an outrageous abuse, and I want to stop it. The pride of these people will prevent them from riding behind a team of mules, and the mules will do the work that we want done better than the horses will. He is a better animal for the hard work of the Government, though not so well suited for pink-tea occasions.

Mr. WARREN. The Senator is mistaken about that. great many would prefer to ride behind a mule rather than a horse, while others would prefer to ride behind a horse rather

than a mule.

Mr. BRISTOW. That would depend upon the occasion.

Mr. WARREN. I take issue with the Senator on the matter of high-priced horses. We had an opportunity not long since, in the matter of these remounts, breeding horses, et cetera, to purchase some very expensive horses for a not large priceinside of a thousand dollars. We were immediately met with the objection that we could not pay over \$200, I think, or it might have been \$175, each for them. While there may be elegant horses being ridden or being driven, as the Senator knows, there is an allowance made to any officer entitled to a horse to ride who furnishes his own horse. A great many officers buy high-priced horses, and receive from the Government \$150 a year instead of being furnished with a horse.

I feel just as the Senator does about automobiles and fine horses being bought by the Government and used by officers for private use, but I find that spans of horses are owned by those officers that can afford them. Furthermore, you will often find an officer of high grade, especially here in Washington, who owns his own automobile. It is hardly fair because an officer rides in his own automobile to inveigh against the entire

Government ownership of automobiles.

Mr. BRISTOW. This does not affect him at all. Mr. WARREN. The Senator will find that a great many horses are being ridden by their owners under this allowance.

Another thing: I have been running this matter over in my mind since the Senator spoke. Except on the frontier, the trans portation is very largely made, and economically made, with To make a sudden change of this kind would throw onto the market, or, rather, would condemn in itself, a very large number of horses, and, on the other hand, would put us into the market for a large number of mules, the price of which would, of course, be greatly advanced if we made the purchase of a great many in a short time.

Mr. BRISTOW. I will say that this amendment was originally suggested by an Army officer of high rank, who thought it would be a mighty good thing if such a provision were incorporated in the Army appropriation bill, and he thought it

would accomplish a good purpose.

Mr. BRANDEGEE. Mr. President, if I understand the Senator from Kansas, his motive is economical administration of the Government. Mr. BRISTOW. Proper administration and economical ad-

ministration, of course; yes.

Mr. BRANDEGEE. The Senator has stated that the horses that are bought cost too much. Instead of attempting to differentiate between the breeds of animals that are to be employed by the Government, why does not the Senator lay his amendment upon the basis of the expense of the animals employed by the Quartermaster Department, irrespective of whether they are mules or horses, or any other kind of animal? I should think it would be more appropriate to provide that no draft animal purchased by the department should cost more than so much money, and leave it to the discretion of the purchaser to decide which is best adapted for the particular location where the animal is to be used. A horse might be better in some localities, and a mule in others.

Mr. BRISTOW. That might be; but that limitation would be somewhat difficult to enforce, because some heavy draft

teams of mules would be expensive.

Mr. BRANDEGEE. My suggestion proceeds upon this theory. Mr. President: I am perfectly sure there are mules to be bought in the market that cost a good deal more than the ordinary first-class horse.

Mr. BRISTOW. Yes.

Mr. BRANDEGEE. A first-class mule is a very valuable animal.

Mr. DU PONT. A very expensive animal. Mr. BRANDEGEE. The limitation suggested by the Senator would not necessarily reduce the expense. If the Government should purchase the best mules in the market, I have no doubt the expense would be much more than it is at present in the purchase of horses.

Mr. DU PONT. I would suggest to the Senator from Kansas that he should limit his amendment, as a preliminary step, to the city of Washington, and see what the effect would be there,

and then if found desirable, perhaps it could be extended to the whole country

Mr. TOWNSEND. Mr. President, do I understand the Senator to mean that this limitation should extend for longer than the next four years?

Mr. BRISTOW. No; during the operation of this bill.

The PRESIDENT pro tempore. The question is upon the adoption of the amendment offered by the Senator from Kansas [Mr. Bristow.] [Putting the question.] The Chair is in doubt.

Mr. BRISTOW. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. SUTHERLAND. Mr. President, I offer the amendment,

which I send to the desk.

The PRESIDENT pro tempore. The amendment offered by the Senator from Kansas has not yet been disposed of. There were so few voting that the Chair was about to put the question again. [Putting the question.] By the sound the "noes" have it. The "noes" have it, and the amendment is rejected.

Mr. TILLMAN. Mr. President

The PRESIDENT pro tempore. The Senator from Utah first addressed the Chair.

Mr. SUTHERLAND. I offer the amendment, which I send to the desk and ask to have read.

The PRESIDENT pro, tempore. The amendment will be

The Secretary. On page 9, line 6, after the numerals, it is proposed to insert the following:

Provided, That the words "civil-service employees" used in section 4 of "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes," are hereby declared to extend to and include all employees in the unclassified service under the jurisdiction of the War Department, not accompanying troops in the field.

Mr. SUTHERLAND. Mr. President, I hope that amendment will not be antagonized by the chairman of the committee. I think it is a very necessary amendment. Section 4 of the Army appropriation bill of last year provided:

That as soon as practicable after the creation of a Quartermaster Corps in the Army not to exceed 4,000 civilian employees of that corps, receiving a monthly compensation of not less than \$30 nor more than \$175 each, not including civil engineers, superintendents of construction, inspectors of clothing, clothing examiners, inspectors of supplies, inspectors of animals, chemists, veterinarians, freight and passenger rate clerks, civil-service employees, and employees of the classified service, employees of the Army transport service and harbor boat service, and such other employees as may be required for techincal work, shall be replaced permanently by not to exceed an equal number of enlisted men of said corps.

The purpose of that amendment seems to have been to get rid of about 4,000 of the civilian employees of this corps and to put in their places permanently the enlisted men of the Army

I have no objection to that so long as it is applied to that corps when it is in the field; but it ought not to be applied to those employees who are engaged in the cities or about the quartermasters' depots. I think it is a very great mistake to put in the place of these civilian employees, engaged in these cities and about the quartermasters' depots, these enlisted men.

It is bad for two or three reasons. In the first place, farther along in this same section provision is made for the enlistment of 6,000 men in this corps, the evident purpose being by that means to bring pressure upon the civilian employees to enter service in the Army. The rule under which enlistments are made is that they shall be confined to unmarried men. The consequence of the operation of the rule is that married men are thrown out of employment, and unmarried men take their

Everybody understands perfectly that the employee who is married is ordinarily a better employee, and can be more de-pended upon, than the single man; so that that result is unfortunate. I think it is a great mistake to have a provision of this kind which operates as a pressure upon men, which compels them to enlist in the Army rather than to lose their jobs.

As I understand the position of the Quartermaster General, he is not opposed to a provision of this character as I have now drawn it. I call attention to the hearings before the Senate committee, on page 18, where Gen. Aleshire, the Chief of the Quartermaster Corps, stated:

A number of unclassified civilian employees required to accompany troops in the field, such as assistant wagon masters, cargadors, teamsters, and laborers, have already been replaced by enlisted men of the Quartermaster Corps under the provisions of section 4, Army appropriation act, fiscal year 1913. The proposed amendment, if enacted would continue in their respective positions all of the employees who had not been replaced upon the date of approval of the act, and thereby nullify in a great measure the operation of section 4 of the act making appropriation for the support of the Army for the fiscal year 1913.

Then he continues-and this is what I call attention to:

The personnel accompanying troops in the field would be in part civilian employees and in part enlisted men of the Quartermaster Corps, which is considered undesirable.

I quite agree with that statement, that it would be undesirable, and the amendment which I have proposed excludes men engaged in that particular service. Then he proceeds:

In the opinion of this office the proposed amendment declares the intent of Congress in enacting the original section, and thereby may make this intent retroactive and thus give unclassified employees who have been separated from the service a claim for reemployment in the positions from which discharged when replaced by an enlisted man.

Of course, he is mistaken about that. It is not intended to be retroactive, and unless it provided in express terms that it should be retroactive, of course it could not be given that construction.

Then he concludes:

In this connection it may be remarked that all classified employees are secure in their positions under the present law, and no unclassified employees in cities, at general depots of the Quartermaster Corps, such as packers, teamsters, and laborers, have been discharged for the purpose of filling the position with an enlisted man, nor is it the intention of this office to do so in the future.

It being true, as he says, that it has not heretofore operated so as to put the enlisted men in the place of these civilian employees, and it being the intention of the Quartermaster not to do that in the future, certainly the amendment which I have proposed carries out the announced policy of the department.

I trust the chairman of the committee will consent to the

amendment.

Mr. DU PONT. Mr. President, I am always desirous of extending all possible courtesies to the Senator from Utah; but I can not accept the amendment on the part of the committee, for the reason that the matter was discussed in the committee and unanimously rejected, for reasons based on this very letter to the Secretary of War, signed by the Quartermaster General of the Army, who recommends that the proposed amendment be not favorably considered, and be adversely reported upon. I do not see how the committee could rescind their action, in view of the fact that they have already discussed this matter.

Mr. SUTHERLAND. If the Senator will permit me, I will call his attention to the fact that the amendment which was being considered has now been altered by the addition of the words "not accompanying troops in the field," and as thus amended it clearly agrees with the announced policy of the Quartermaster General himself. I can not see the slightest objection to putting that sort of an amendment in. He says in

his report:

In this connection it may be remarked that all classified employees are secure in their positions under the present law, and no unclassified employees in cities, at general depots of the Quartermaster Corps, such as packers, teamsters, and laborers, have been discharged for the purpose of filling the position with an enlisted man, nor is it the intention of this office to do so in the future.

That being the announced policy of the department, why should there be any objection to making it clear in this law? On the other hand, if the department undertakes to depart from that policy in the future, in my judgment it would be doing an exceedingly unwise thing, which this amendment will prevent.

Mr. DU PONT. Owing to the very fact that it is stated-

That all classified employees are secure in their positions under the present law, and no unclassified employees in cities, at general depots of the Quartermaster Corps, such as packers, teamsters, and laborers, have been discharged for the purpose of filling the position with an enlisted man, nor is it the intention of this office to do so in the future.

In the opinion of the committee it is unnecessary to put this legislation into the Army appropriation bill. Under the circumstances I must confess that it seems to me to be clearly susceptible to the point of order that it is general legislation, and

I make the point of order.

Mr. SUTHERLAND. I want to be heard for a moment on the point of order, but before I do it, if the Senator will with-

hold it-

Mr. DU PONT. Certainly; I withhold it. Mr. SUTHERLAND. I want to make another suggestion to him. I thought it quite likely the Senator would give the reply he now makes, that inasmuch as it is the policy of the department it is unnecessary to put it into the law. But the Senator overlooks the suggestion which I made, that the effect of this legislation is to operate as a pressure upon these civillan employees to enlist against their own desire in the Army. That that is so I call attention to two letters written by the Quartermaster General.

Mr. DU PONT. May I interrupt the Senator from Utah for

a moment?

Mr. SUTHERLAND. Certainly.

Mr. DU PONT. I understand that now they can not enlist if they are married men. Therefore it is a pressure which can only come to those who are single men.

Mr. SUTHERLAND. That is quite true. Mr. DU PONT. I understood the Senator to say a short time ago that most of these men were married.

Mr. SUTHERLAND. No; I did not. I do not know what proportion of them are married; but I stated that the effect of the legislation was, so far as the law was put in operation, to put married men out of employment and unmarried men in to the extent to which the unmarried men enlist.

Mr. DU PONT. I misunderstood the Senator.

Mr. SUTHERLAND. The Quartermaster General says, among other things, in a letter which I have in my hand:

Employees at depots who were appointed from the unskilled civil-service lists, who are under 45 years of age, will be required to enlist, and refusing enlistment their places will be filled by enlisted men of the Quartermaster Corps of the Army.

In another letter he says:

In view of the wording of the law and the decision of the Secretary of War, it would appear that unless the law is changed the unclassified employees must be discharged in order that men may be enlisted.

Statements of that kind coming from the War Department rather compel the civilian employees, in order to feel secure in their positions, to enlist in the Army, and I object to that sort of thing. I should object to a conscription act in a time of peace, and this very nearly approaches that kind of an act.

As to the point of order, Mr. President, the amendment suggested is clearly in order, because it is a limitation upon the appropriation for the pay of these identical enlisted men, amounting to the sum of \$\$10,000. To the extent that my amendment will alter the law, it will affect the amount of that appropriation which will be expended.

The PRESIDENT pro tempore. Will the Senator please restate his point again? The Chair did not exactly hear it.

Mr. SUTHERLAND. The bill makes an appropriation for

the pay of enlisted men, Quartermaster Corps, and additional pay for length of service, \$810,000. That appropriation is for these identical enlisted men who are to take the places of the civilian employees. Under the terms of the law as it now exists these civilian employees can be put out of their positions and enlisted men put in, and these enlisted men would take their places and will share in this appropriation of \$810,000.

The effect of my amendment is to limit the provisions of existing law so as to prevent a certain proportion of the civilian employees from being eliminated from the service, and of course to that extent it will operate as a limitation upon the expendi-

ture of the appropriation.

The PRESIDENT pro tempore. The point the Senator makes is that it does not increase, but limits the amount.

Mr. SUTHERLAND. Precisely. It will limit the amount of the expenditure.

Mr. DU PONT. My point of order, Mr. President, is that it is new legislation. It has not only been dealt with by the committee, but it has been formally disapproved by the committee.

Mr. SUTHERLAND. That does not settle it with the Senate, trust.

The PRESIDENT pro tempore. Unless the Senator from Delaware desires to say something in response to the argument as to the point of order, the Chair will overrule the point of order, the intention being undisputed, the Chair understands, to limit the appropriation. The question, then, is on agreeing to the amendment submitted by the Senator from Utah.

The amendment was agreed to.

Mr. OVERMAN. I offer an amendment to come in on page 12, line 2. I ask that it be read.

The PRESIDENT pro tempore. The amendment submitted by the Senator from North Carolina will be read.

The Secretary. In line 2, page 12, after the amount "\$10,-400," insert the following proviso:

Provided, That hereafter the number of majors in said department

Mr. OVERMAN. I wish to say that is strongly recommended by the Secretary of War and the Judge Advocate General. I think the chairman of the committee understands it, and he will probably accept the amendment.

Mr. DU PONT. I understand the question fully. I have heard it discussed a great many times, and it has been repeatedly recommended by the Secretary, both in writing and to me personally, and by the Judge Advocate General as well. I really think that it will be for the benefit of the service, and under the circumstances I will therefore accept the amendment.

The amendment was agreed to.

Mr. OVERMAN. I ask that an extract from a letter of the Secretary of War which I send to the desk in support of the amendment just agreed to may be printed in the RECORD.

There being no objection, the letter was ordered to be printed In the RECORD, as follows:

JANUARY 20, 1913.

Hon. H. A. DU PONT,

Chairman Committee on Military Affairs,
United States Senate, Washington, D. C.

Sir: I desire to invite your attention to the following suggestions as to legislation touching the Army and the War Department, with the

recommendation that the suggestions be considered with a view to legislative action during the current session of Congress.

1. Legislation to increase the personnel of the Judge Advocate General's Department and to place it on a detail basis similar to that prescribed for the Ordnance Department.

In view of the wide range, great importance, and increasing volume of the work of the Judge Advocate General's Department, made strikingly manifest during the past year, it is certain that any reorganization of the Army will involve a considerable increase in the commissioned personnel of that department. Pending the completion of plans for such reorganization, recommendation as to what the increase should be is deferred. I therefore limit my recommendation at this time for further legal personnel in the Army to that imperatively needed in the Judge Advocate General's office in the War Department. The requirements made of that office necessitate the presence of a greater number of commissioned assistants to the Judge Advocate General than can be supplied from the small commissioned personnel of the department, and it has been found necessary to detail one line officer for duty in the office, that officer being required to do the work and assume the responsibilities which should naturally fall upon officers commissioned in the department. Observation during the past year and a half has led me to the definite conclusion that the public Interest demands an immediate increase of at least one officer in the Judge Advocate General's office means in the surface of a least one officer in the Judge Advocate General's office means and efficiently disposed of. I therefore recommend the experitionally and efficiently disposed of. I therefore recommend the department.

Since the passage of the act of February 2, 1901 (31 Stat, 755), the

quiring legal attention in the Judge Advocate General's office may be expeditiously and efficiently disposed of. I therefore recommend the addition of at least one major to the commissioned personnel of the department.

Since the passage of the act of February 2, 1901 (31 Stat., 755), the detail system has been applicable to all staff departments of the Army normally recruited from the line, but in the Judge Advocate General's Department, in which the detail system was first introduced in 1884 (sec. 1, act of July 5, 1884, 23 Stat., 113), it has been applicable only to the lowest grade, that of captain (sec. 15, act of Feb. 2, 1901, 31 Stat., 751). The work required of the Judge Advocate General's Department is highly technical in character and is constantly increasing in volume, complexity, and importance. The Judge Advocate General is of the opinion, in which I concur, that under the detail system now applicable to the Ordnance Department, involving as it does competitive qualification for entry into the department and the necessity for defending tenure therein by meritorious work, there will be greater assurance of securing and maintaining the high-grade commissioned personnel necessary to the efficient administration of the Judge Advocate General's Department.

It is therefore recommended that, in addition to the increase suggested above, the detail system now applicable to the Ordnance Department be made applicable to the Judge Advocate General's Department. The plan thus suggested may be given legislative expression in substantially the following form:

That the Judge Advocate General's Department is hereby increased by one major, the vacancy thus created to be filled in accordance with existing law, and hereafter the provisions of section 26 of the act of February 2, 1901, as modified for the Ordnance Department by section 20 of the act of June 25, 1906, and by the act of March 3, 1909, shall be held to include the Judge Advocate General's Department is becommend officers for detail in the Judge Advocate

Mr. TILLMAN. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be read.

The Secretary. On page 7, after line 8, insert:

That nothing contained in the proviso under the heading "Pay of officers of the line" in the act approved August 24, 1912, entitled "An act making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes," shall be held to apply to the service of Capt. Frank Parker, United States Army, for the period necessary for him to complete his present tour of duty at L'Ecole de Guerre, France.

The amendment was agreed to.

Mr. WORKS. I offer the amendment I send to the desk.

The PRESIDENT pro tempore, The amendment will be stated.

The Secretary. It is proposed to amend by inserting, after line 18, page 49, the following:

That the Pacific Branch of the National Home for Disabled Volunteer Soldiers, located at Santa Monica, Cal., together with all property, including furniture and the records pertaining exclusively to said branch home, be, and the same is hereby, transferred to the War Department, such transfer to be effective July 1, 1913; and on and after said date the said branch home shall be under the jurisdiction and control of the Secretary of War, and all appropriations therefor shall be expended under his direction and accounted for as other appropriations for the War Department; and the Secretary of War is hereby authorized to impose such conditions as he may deem advisable for the admission or retention of those entitled to membership under existing laws who are receiving a pension in excess of \$20 per month.

Mr. DU PONT. Mr. President, the amendment proposed by the Senator from California is in harmony with the recommendations of the subcommittee of the Committee on Military Affairs, which carefully investigated the whole subject. I will therefore accept the amendment.

The amendment was agreed to.

Mr. BRISTOW. Following the amendment which has just been adopted, I offer an amendment. I think I have framed it now so as to remove the objection to it from the chairman of the committee and the Senator from Wyoming. I send it to the

The PRESIDENT pro tempore. The amendment will be stated.

The Secretary. After the amendment just agreed to on page 48 insert:

After January 1, 1914, no moneys appropriated in this bill for the purchase and maintenance of vehicles that are used in the District of Columbia, other than automobile trucks, shall be used for the purchase, maintenance, or use of any vehicles that are not drawn exclusively by mules

Mr. GALLINGER. I should like to hear the amendment read again, Mr. President.

The Secretary again read the amendment.

Mr. WARREN. We all love the mule and we respect the horse; but it seems to me that the proposed amendment is an invidious distinction and a sin against the horse that I will not

be able to support.

Mr. BRISTOW. Mr. President, the Senator from Wyoming understands the purpose of the amendment. As it was originally drawn he objected to it because he said it might in some sections of the country where mules are not easily obtained result in added expense. But that could not be the case in the District of Columbia. The purpose, as the Senator well knows, is to stop an abuse which I think is scandalous, that of using Government property for private purposes in the District of Columbia.

There is not a Senator here who, when he walks down the streets any day when the weather is pleasant, does not see officers of the Army and of the military establishment using horses and carriages and automobiles for private purposes that are maintained at public expense. We undertake to cut out this abuse as much as we can in the civil establishment, but the abuse is much more widespread, I think, from the military appropriations than from any other of the appropriation bills.

This is not a joke; it is simply a scandal, and this is a means

that I think will effectively break it up.

Mr. TOWNSEND. Mr. President, if I understood the Senator from Kansas correctly, his object in adopting the mule was to prevent officers from using it, because he would not want to drive a mule down the street. I have understood that the mule was never more popular than now. If it were wanted really to accomplish this particular purpose, it seems to me we had better adopt oxen, because if we had that as a means of locomotion it is quite certain no officer would drive down the street; and that is, I understand, what we are trying to prevent.

Mr. GALLINGER. Mr. President, I was not in the Chamber when this matter was up a few moments ago, and I have just heard the proposed amendment read with interest and aston-I do not think it ought to be agreed to. If the Senator from Kansas should offer an amendment to absolutely prohibit the use of public moneys for the purposes indicated in his amendment, I would have some sympathy with it, but I do not think we ought to gratuitously slur Army officers and thus make ourselves subject to the criticism that will fall upon us if we adopt an amendment of that kind. Therefore I feel con-

Mr. BRISTOW. The point of order against it.

Mr. BRISTOW. The point of order has been made, and it was decided that the amendment is in order. It is simply a limitation upon the expenditure of the money.

Mr. GALLINGER. I was not aware of that fact. If the Chair has decided that, of course I submit to the decision of the Then, Mr. President, I move to lay the amendment on Chair. the table.

The PRESIDENT pro tempore. The Senator from New Hampshire moves to lay the amendment on the table.

Mr. BRISTOW. On that motion I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GALLINGER. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from New

Hampshire suggests the absence of a quorum. The Secretary will proceed to call the roll.

The Secretary called the roll, and the following Senators an-

swered to their names:

Ashurst Bacon Borah Bourne Dillingham McCumber Smith, Ga. Smith, Md. Smith, Mich. du Pont Fall Fletcher Martin, Va. Martine, N. J. Nelson Oliver Smoot Brandegee Bristow Bryan Stephenson Stone Sutherland Gallinger Gamble Overman Page Swanson Thomas Thornton Townsend Warren Percy Perkins Pomerene Richardson Burton Jackson Chamberlain Clapp Clark, Wyo. Johnston, Ala. Jones Kenyon Kern La Follette Lippitt Lodge Culberson Cullom Root Sheppard Simmons Cummins Williams Smith, Ariz.

The PRESIDENT pro tempore. On the call of the roll 59 Senators have answered to their names. A quorum of the Senate is present.

Mr. GALLINGER. A quorum having been developed, I ask that the amendment be again stated.

The PRESIDENT pro tempore. The amendment will be read. The Secretary. On page 48, line 18, after the amendment already agreed to in that place, insert the following:

After January 1, 1914, no moneys appropriated in this bill for the purchase and maintenance of vehicles that are used in the District of Columbia other than automobile trucks shall be used for the purchase, maintenance, or use of any vehicles that are not drawn exclusively by

The PRESIDENT pro tempore. The Senator from Kansas [Mr. Bristow] offers the amendment which has just been read, and the Senator from New Hampshire [Mr. Gallinger] moves to lay the amendment on the table. Upon that question the yeas and nays have been ordered, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the Senator from Missouri [Mr. In the absence of that Senator I withhold my vote. STONE].

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. I do not see him in the Chamber, and I transfer my pair to the Senator from New Mexico [Mr. CATRON] and vote. I vote "vea."

Mr. RICHARDSON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. I therefore withhold my vote. SMITH 1.

Mr. SIMMONS (when his name was called). with the junior Senator from Minnesota [Mr. CLAPP].

Mr. SMITH of Michigan (when his name was called). paired with the junior Senator from Missouri [Mr. Reed]. If he were present, I would vote "yea." I withhold my vote.

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. Penrose], and I therefore withhold my vote.

The roll call was concluded.

Mr. GUGGENHEIM. I wish to inquire if the senior Senator from Kentucky [Mr. PAYNTER] has voted.

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. GUGGENHEIM. I withhold my vote, as that Senator is absent.

Mr. DILLINGHAM. I observe that the senior Senator from South Carolina [Mr. TILLMAN] has not voted, and as I have a general pair with that Senator I withhold my vote.

he present, I would vote "yea."

Mr. KERN. I inquire if the junior Senator from Kentucky
[Mr. Bradley] has voted.

The PRESIDENT pro tempore. The Chair is informed that Senator has not voted.

Mr. KERN. Having a general pair with the junior Senator from Kentucky, I withhold my vote.

The result was announced—yeas 35, nays 21, as follows: YEAS-35.

Ashurst Bankhead Bourne Brandegee Buraham Crane Culberson Culiom du Pont	Fletcher Foster Gallinger Gamble Jackson Lippitt Lodge McLean Martin, Va.	Martine, N. J. Myers Oliver Percy Perkins Root Smith, Ariz. Smith, Md. Smoot	Stephenson Sutherland Swanson Thornton Townsend Warren Webb Wetmore
	NA.	YS-21.	
Bacon Borah Bristow Bryan Burton Chamberlain	Clarke, Ark. Crawford Fall Johnston, Ala. Jones Kenyon	Kern McCumber Nelson Overman Page Pomerene	Sheppard Smith, Ga. Thomas
		OTING-39.	
Bradley Brady Briggs Brown Catron Chilton Clapp Clark, Wyo. Cummins Curtis	Dillingham Dixon Gardner Gore Gronna Guggenheim Hitchcock Johnson, Me. Kavanaugh La Follette	Lea Massey Newlands O'Gorman Owen Paynter Penrose Poindexter Reed Richardson	Shively Simmons Smith, Mich, Smith, S. C. Stone Tillman Watson Williams Works

La Follette So Mr. Bristow's amendment was laid on the table.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. CURTIS. Mr. President, I heretofore gave notice that I would call up the District of Columbia appropriation bill immediately after the bill which has just been passed was disposed of; but the print of the District bill, I am informed, will not be delivered in the Senate Chamber for a few minutes. I understand the Senator from Minnesota [Mr. Nelson] is ready to proceed on the bill which was under discussion yesterday.

CONNECTICUT RIVER DAM.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 8033) to authorize the Connecticut River Co. to relocate and construct a dam across the Connecticut River above the village of Windsor Locks, in the State of Connecticut.

Mr. NELSON. Mr. President, I propose for a few moments to express my views upon the bill now pending before the Senate, known as the Connecticut River bill. I do not intend to enter into an extensive or academic discussion of the subject. pose briefly to state the character of the bill, the rights that it confers upon the Connecticut River Co., the rights of the Federal Government, and the property that the Federal Government has to lease or sell in this case.

The Connecticut River Co., the beneficiary of this bill, was incorporated many years ago by the State of Connecticut, originally as a navigation company. It built a canal, and for some time charged tolls. Afterwards the canal was abandoned and the company became essentially a water-power company. The locality in question is between Hartford and Holyoke, a reach of the river that, in its natural condition, as I understand, is not navigable except for logs, small boats, skiffs, and similar things.

It may seem, Mr. President, ungracious for me to oppose a bill of this kind, a local bill, as it were, in reference to conferring a right on a stream in the State of Connecticut; and were it not for one provision in the bill, the bill would meet with my hearty concurrence. All the provisions except one are satisfactory to me. There is, however, one provision in the bill which is objectionable; objectionable in itself, but most of all it is objectionable because it proposes to set an unwise and unjust precedent and is entirely in derogation of the rights of the State and

the rights of the riparian owners.

As long ago as 1835, almost a century ago, the Supreme Court of the United States settled the question in whom is the title, ownership, and sovereignty of waters in a State. Is it in the State and the people of the State, or is it in the Federal Government? In a very early case arising in New Jersey the Supreme Court of the United States laid down the doctrine briefly, in the terms which I am about to read. After discussing the right of the Crown in the tidewaters of New Jersey and what rights were vested in the charter given to the Duke of York before he became King James, and discussing what rights the State of New Jersey inherited when it became independent of England, the court uses this clear and emphatic language:

For when the Revolution took place the people of each State became themselves sovereign; and in that character hold the absolute right to all their navigable waters, and the soils under them, for their own common use, subject only to the rights since surrendered by the Constitution to the Genewal Government.

The watercourses, Mr. President, within the borders of a State are the absolute property of the people of that State, the riparian owners, and the State combined, and the Federal Government would have no interest in them whatever except for what we call the commerce clause of the Constitution. commerce clause of the Constitution subrogates the rights of the State and the rights of the riparian owners to the rights of the Federal Government in respect to navigation, and nothing else. The Federal Government has no property, no interest, no right in any navigable stream except for purposes of navigation. Everything else in that stream is the property either of the people of the State or of the riparian owner, or both combined.

Mr. BURTON. Mr. President—
The PRESIDING OFFICER (Mr. OLIVER in the chair). Does the Senator from Minnesota yield to the Senator from

Mr. NELSON. Certainly. Mr. BURTON. Will the Senator from Minnesota please yield to me for a moment? I do not want to interrupt him, but only wish to ask from where he reads the case which he has cited?

Mr. NELSON. It is the case of Martin v. Waddell (16 Pet., 367). That case was afterwards followed by a case arising in Alabama, that of Pollard v. Hagan (3 How., 212), where the same doctrine was reiterated. The cases of Martin against Waddell and Pollard against Hagan, it is true, were tidewater cases, but in the case of Barney v. Keokuk (94 U. S., 324), an Iowa case, the Supreme Court uses this language:

These cases

Referring to the two cases I have quotedrelated to tidewater, it is true, but they enunciate principles which are equally applicable to all navigable rivers.

In other words, the same principle that was laid down in the case of Martin against Waddell applies to the streams of this

In this country, Mr. President, when it comes to the question of riparian rights, the States may be grouped into two classes. In most of the mountain and mining States, the arid States, the doctrine of prior appropriation prevails in one form or another, perhaps in its most extreme form in Arizona, in Wyoming, and in Colorado, and in its most modified and diluted form-diluted by the common-law doctrine of riparian rights-in California. In all the other States of the Union the doctrine of riparian ownership, as defined by the principles of the common law, is the prevailing doctrine. It is true that in some of the States of New England-I think in Massachusetts and in Maine-the doctrine has been slightly modified.

I now desire to call the attention of the Senator from Ohio to decision of the supreme court of his own State, which enunciated very clearly the doctrine as to the rights of riparian owners. I read from the case of Walker v. Board of Public Works (6 Ohio, 540, 1847). The court, after discussing the subject, used this language:

subject, used this language:

In disposing of this subject it is well, in the first instance, to consider what are the respective rights of the public and riparian owners in the streams within our borders which are in fact navigable. The question is not new in this State. It has been repeatedly before this court, and the rule is this: He who owns the land on both banks of such river owns the entire river, subject only to the easement of navigation, and he who owns the land upon one bank only, owns to the middle of the main channel, subject to the same easement. The right of the public is merely the right to use the water within the channel for the purposes of navigation. The proprietor of the lands upon its banks may use the waters of the river in any way not inconsistent with the public easement—

That is, navigationor of private rights-

That is, the superior rights acquired either by condemnation, purchase, or prescription-

and neither the State nor any individual has the right to divert the water to his injury. The right of the adjacent proprietor to the water of the stream is an usufructory right, appurtenant to freehold, not an absolute property.

Hence the State in its exercise of the right of eminent domain can subject the waters of such stream to other public uses the same as any other private property by making a just compensation for the injury, and not otherwise.

That means the State can authorize that right to be secured by condemnation proceedings in behalf of a superior public purpose. For instance, to illustrate: Water power is created, in the first instance, to operate a gristmill or a sawmill, and the first instance, to operate a gristmill or a sawmill, and eventually a big town or city grows up in the neighborhood. The town or the city may need the water in that dam for domestic use to supply its inhabitants. That, under the circumstances, would be a superior public right, and the State could authorize the property of the water-power company to be condemned for that purpose, but it could not take it absolutely without compensation.

What right has the Federal Government in the Connecticut It has no other right than that pertaining to naviga-River? tion. All other property in that stream of whatsoever character, under the decisions of the Supreme Court, belongs to the riparian owners there.

What is this case? Analyze it, and it amounts to this: That this company, being the riparian owners of the site where the dam is constructed, of the lands that would be subject to flowage in consequence of the construction of the dam, being the absolute owners, under the decision of the courts of that State, they are required to pay compensation to the Federal Govern-ment for the use of their own property. That is the effect of this bill; that is what it amounts to. It would establish a most dangerous principle.

Mr. BRANDEGEE. Mr. President-

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Connecticut?

NELSON. I qualify my statement to the extent that the riparian right, of course, is subject to the sovereignty and superior rights of the State.

Mr. BRANDEGEE. Will the Senator yield for a question?

Mr. NELSON. Certainly.

Mr. BRANDEGEE. The Senator knows, of course, that at this point in the reach of the river it is not navigable.

Mr. NELSON. It is not navigable?

Mr. BRANDEGEE. At this point there are rapids.

Mr. NELSON. Yes, sir. Mr. BRANDEGEE. Does the Senator question the right of the United States, under the commerce clause of the Constitution, to require the company to maintain a lock in connection with the dam?

Mr. NELSON. No. I will come to that if the Senator will listen to me.

Mr. BRANDEGEE. I wanted to follow that up with another

Mr. NELSON. If the Senator will wait until I finish my argument, he can then ask me as many questions as he pleases.

Mr. BRANDEGEE. I do not want to interrupt the Senator if it is not agreeable to him.

Mr. NELSON. I am not objecting to interruptions. I am able to take care of myself, I think, in that respect; but I prefer to state what I have to state in a consecutive manner, so that one part will dovetail with another.

Mr. BRANDEGEE. The Senator does not desire to be interrupted at this point, then?

Mr. NELSON. If it is merely for a question, I will yield. State what is the question.

Mr. BRANDEGEE. The question is, if the Senator admitted the right of the United States to require a lock to be built there at the expense of half a million dollars, why by the same authority could not the Government require a money payment for the improvement of navigation in other respects?

Mr. NELSON. They have no right to require payment for the improvement of navigation in other respects. If an improvement is made in that part of the river, and for the ends of navigation a lock and gate are needed, the Government can require their installation; but when they go to work to compel that company to pay a royalty for the use of water, the money to be devoted not for that reach of the river, but for the river in general, they are perpetrating an act of injustice not war-ranted by the principles of our Government or by the Constitution.

Mr. BURTON. Mr. President, in that connection—
Mr. NELSON. Just listen until I finish my answer to the question. What right has the Federal Government to assess a private company that has constructed a dam with its own capital to furnish money for the improvement of the Connecticut River in general? If the Connecticut River needs improvement for the purposes of navigation, the fund to make that improvement should be contributed by all the people of the United States, as they are contributing from year to year under the river and harbor bill.

Mr. BURTON. Mr. President, will the Senator from Minnesota, right in this connection, yield to several questions?

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Ohio?

Mr. NELSON. I yield to the Senator.

Mr. BURTON. First, the Senator concedes the right to make it a condition of the enjoyment of that dam there that the Government shall control the flow over the dam, does he not?

Mr. NELSON. I will tell the Senator what I concede. concede this-and the Senator can apply it to suit himselfthat if, without any act of Congress, a company should go to work and build a dam with locks and gates in the manner prescribed in this bill, they could do so without any legislation. The Government could not go into court and enjoin them from building that dam, unless it were shown to be an obstruction to

Mr. BURTON. Well, could not the Government in carrying out that plan of improvement prescribe a certain depth to be

secured in the river?

Mr. NELSON. The Government can prescribe whatever may

be needed for navigation.

Mr. BURTON. Well, suppose they want 12 feet, as is now the provision, can they not compel those who have this authority so to construct their works as that 12 feet may be secured?

Mr. NELSON. Certainly they can, if it is necessary for the purposes of navigation; but that is foreign to the question.

Mr. BURTON. I think it will appear that it is applicable.

Can they not, in carrying out that purpose to have 12 feet, prescribe the quantity which must be released and flow over the dam?

Mr. NELSON. They can prescribe it to the extent that it is

necessary for navigation, but for no other purpose,
Mr. BURTON. Well, for 12 feet?
Mr. NELSON. Yes; if that is necessary for navigation, but not for any other purpose.

Mr. BURTON. Oh, well, that, of course, is taken for granted. Suppose it should appear that that 12 feet could be provided either by allowing the total flow to go uninterrupted over the dam at all times, or, if the company desired to use all the water, by suspending the flow at some times and dredging below the dam. This bill provides that the flow over the dam shall be absolutely under the control of the Federal Government, so as to secure a depth of 12 feet. Now, suppose the company should, in dealing with the Government, say, "We should like to hold back the water at certain times," and the Government

should say, "If that is the case, dredging must be done below to maintain and to secure the 12 feet, because you do not give the uninterrupted flow of water," could not the Government by just the same authority by which they require all the water to go over the dam also require that, if these parties suspend the flow, they shall pay the cost of dredging to secure exactly the same result?

Mr. NELSON. Not necessarily. It depends upon the purpose for which the Government should undertake to exercise the

authority

Mr. BURTON. It is for the purpose of navigation in most cases.

Mr. NELSON. Now let us look at the facts in the case. Here is a reach of the river that is not navigable. of this dam a pool for navigation purposes is created by the company, not by the Federal Government. The Federal Government has the right to say that in building that dam they must not build it or use it in any manner that will interfere with navigation. The Government has a right to prescribe, for the purposes of navigation, the size of the lock and the gates, and how they shall be operated; and it has a right to prescribe the manner in which the water shall be used for the purpose

of navigation, but for no other purpose.

Mr. BURTON. I do not think the Senator from Minnesota

understood my question. Mr. NELSON. Well, Well, the Senator knows that I hope to en-

lighten him on all points and not on one only.

Mr. BURTON. I always gain enlightenment from the Senator from Minnesota. Two things might happen: The Government might compel the overflow to go by at all times or a part of the flow might be suspended.

Mr. NELSON. No; it could not compel it unless it were nec-

essary for the purposes of navigation.

Mr. BURTON. Of course that is taken for granted all the

Mr. NELSON. Does the Senator understand the law of hydraulics—that if a dam is erected and is once filled with water the flow of water then over the dam will be in the same quantity as it would in the state of nature? After the dam has been built the water will continue to flow over the dam.

Mr. BURTON. Barring evaporation and some little waste, that is true. The Senator from Minnesota, I think, has not fully understood my question. Two cases might arise-one a suspension of the total flow during low water; the other the requirement that the flow should at all times go by

Mr. NELSON. Now, suppose there was a total suspension during low water, would you make the company pay for the act of God in suspending the rainfall and drying up the stream?

Mr. BURTON. The Senator from Minnesota does not yet understand my question. Suppose a certain depth of 12 feet were required and the company desired at certain times to hold back the natural flow. As a compensation for that could the Government not compel that company to pay the cost of dredging to put the stream in the shape in which it would be if it went by at all times?

Mr. NELSON. No; not in the case the Senator puts; because if no dam were constructed there would be no navigable

channel at all.

Mr. BURTON. I think, if the Senator from Minnesota will reflect on that, he will find that it would be an absolute impos-

Mr. NELSON. I hope the Senator from Ohio will reflect I was about to remark when the questions were asked me, or I started initially to make the statement, that there are two systems of riparian rights which prevail in this countryone the doctrine that prevails in the mountain, the arid, the semiarid, and the mining States, which is commonly called the doctrine of prior appropriation. In most of the States east of the Mississippi, with perhaps a little modification in some States—I think in one or two of the New England States, for instancethe doctrine of the common law prevails; that is, that the riparian owner owns to the center of the stream, subject to the public easement of navigation. For all other purposes that stream is his, but he can not use it under the common law to the detriment or the damage of the owners above or below. If there is a water power on his stream, if there is a water power on his land, he has a right to utilize that, and no one can make him pay for the use of that water.

In this case what is it proposed to do, Mr. President? It is proposed to have this company build a dam with its own money on a reach of the river where there never heretofore existed any navigation, where there is an obstruction, an impediment to navigation in the stream. The company are to build a dam costing, perhaps, one or two million dollars—I do not know how much—they are to put into the dam a lock and gates for

opening it; they are to furnish those locks and gates and convey them to the Federal Government and convey the electric power to the Federal Government to operate that dam.

In addition to erecting a dam, creating a pool of water, making a reach of the river in part navigable that never was navigable before-in addition to doing that, without any expense to the Federal Government whatsoever, the Government comes in by this bill and says, "You must pay for the use of that water over and above what is needed for navigation pur-In other words, they must pay for using that water poses." for other purposes. That is the plain English of it.

There is one thing—and we have no need to be modest in stating it—that seems to me passing strange. Men come here from Connecticut and other portions of the country to secure legislation; they go to the Secretary of War and confer with him about it, and he tells them what they can do and what they can not do. He assumes to be the chief high mogul in the determination of these matters. He tells them bluntly "Such and such conditions must be put in the bill, or you can not have this legislation." Until this practice arose I always supposed Until this practice arose I always supposed that Congress, Mr. President, had the right to determine the policy of the Government in these cases, and that it did not appertain to any department of this Government to tell people what kind of legislation they ought to have or could get. It is for both Houses of Congress to determine that question, and not for the Secretary of War.

There is another thing-and we might as well talk plainly in this matter-the President of the United States when he was Secretary of War, and it so appears in this report published for the use of the committee, took exactly the same ground we are taking in this case. I know from my own knowledge that that was his position; but, unfortunately, he has a Secretary of War who belongs to one of the ultraconservation schools, who are seeking to fasten upon us this new doctrine, and to sweeten it and make it palatable they have changed front. Originally the royalty was to be paid into the Treasury generally; but now the sweetening, to make this plan palatable, is that the royalty which we exact must go to pay for other improvements on this river. What an injustice that is—to segregate this company from all the other citizens of Connecticut and from all the other people of the United States, and say:
"Because you build a dam over the rapids in the Connecticut River in a reach of the river that is not navigable, because you have the audacity with your own capital to make a pool for navigation, because you have the audacity and the nerve and the capital to do that, you must pay a penalty; you must furnish money to improve all the rest of the Connecticut River."

What a monstrous doctrine that is, Mr. President! has the Federal Government to sell here? What has the Federal Government to lease? It has no interest at all in the use of the water except for purposes of navigation. The Government of the United States is not in the habit of charging tolls for the use of its watercourses, its streams, and its navigable harbors. They are free to all the people of the United States.

In this case the Government of the United States does not undertake to charge any tolls for navigation purposes; but it undertakes to impose a charge upon these people who are investing their own capital and are making a reach of the river that is now worthless for navigation purposes in part of value for navigation purposes.

The principle is the same in the one case as in the other, Mr. President. In the one case the royalty was to be paid into the general fund of the Treasury. In this case it is limited to the improvement of one stream and its tributaries.

There is a different doctrine prevailing in reference to another class of dams. Where the Federal Government, for the purposes and in the interest of navigation, erects a dam in a river entirely with money appropriated by it, and incidentally to that improvement for purposes of navigation the Federal Government creates a water power in connection with it, that water power should not be left idle, without use; and inasmuch as the power has been created by the Government for purposes of navigation, the Government has a right to charge a reasonable compensation for it.

There is where I draw the distinction, and I think it is justifiable in fact and in law. Where the Government of the United States with its own capital, without any outside help, secures the riparian lands, the site of the dam, the flowage rights, and with its own money builds the dam, it is entitled to all that there is in it. In that case the Government is not only using its own money, but it is the riparian owner; for the Government never erects a dam or improves navigation by means of a dam without securing the riparian lands necessary for the site of the dam and the flowage rights.

So the Federal Government is exactly in the same position that the Connecticut River Co. is in respect to its riparian If the Federal Government is a riparian owner, and builds a dam with its own money, why should not the Federal Government in that case pay a royalty to the State of Connecticut for improving the Connecticut River down in the State of Rhode Island or up in the State of Massachusetts?

Mr. President, it is because the principle laid down in this bill is so far-reaching in its consequences that I am opposed to this paragraph of the bill. I am quite willing that this company should have this right. They are entitled to it as riparian owners. The Government has no interest in the water except for purposes of navigation. I am willing that the company should have that right, and make the best use of it they can. If it yields them an income on the capital they have to invest,

let them have it; but let us not levy tribute upon it.
We have now secured the adoption of an income-tax amendment to the Constitution. If we must levy tribute on the people of this State for governmental purposes, let us levy the tribute on all alike by tariff taxes, by internal-revenue taxes, and by income taxes. Let us not segregate a private company that is the riparian owner, that owns the site of the dam, that owns the lands to be flowed, that puts only its own money into the enterprise. Let us not penalize such companies and make them pay the Government for something that the Government does not own.

Here is an attempt on the part of the Government to require compensation for something that the Government does not own. To my mind, it is abhorrent to the principles of our Government, to our dual system of government, and abhorrent to the fundamental principles of right and justice.

I hope this provision will be stricken out of the bill, and that it will be passed without it.

As I said a moment ago, in every case that I have had under consideration or that has come before the committee of which I am a member, where the Government with its own money and as the riparian owner has constructed a dam in a watercourse for purposes of navigation, I have always believed, and that is my belief now, that the Government is entitled to compensation as the owner of the surplus power incidentally created by means of the construction of the dam. But where a dam is constructed wholly by private capital upon the lands of the riparian owner, and the Government does not advance a dollar of its own money, and nothing is done to hinder navigation, but on the contrary, navigation is improved, in that case the Government has no right to sell and has no moral or legal right to charge any compensation.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. CURTIS. Mr. President, I move that the Senate proceed to the consideration of the bill (H. R. 28499) making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes.

Mr. KENYON. Mr. President, as I understand, this bill has

been put on our desks within the past 20 minutes. I know that I would like an opportunity to go through the bill, and I think other Senators would.

Mr. CURTIS. I will say to the Senator that I am sure that if he will watch the reading of the bill he will be satisfied with the amendments that have been made. The bill was very carefully considered, and in no case has the estimate of the department been exceeded. In fact, the bill as reported carries a less amount than the estimates, and in every way the bill has been carefully considered. I am confident the Senator will have no objection, and I hope he will consent that we shall take it up now, without any further delay, because these bills must be passed.

Mr. KENYON. Mr. President, here is a bill carrying some eleven or twelve million dollars

Mr. CURTIS. Eleven million dollars.

Mr. KENYON. With no opportunity at all for Senators to investigate it. I do not believe such legislation should be hurried in this manner.

Mr. CURTIS. I will state further that if, in reading the bill, there is any objection to any item in it, as chairman of the subcommittee having charge of it I shall consent that the item go over.

Mr. KENYON. There is no chance, of course, to discover that. If it is in order to make an objection, I am going to make an objection.

Mr. CURTIS. I move that the Senate proceed to consider

The PRESIDING OFFICER. The Senator from Kansas [Mr. Curis] moves that the Senate proceed to the consideration of the bill notwithstanding the objection.

Mr. KENYON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Iowa sug-ests the absence of a quorum. The Secretary will call the roll. gests the absence of a quorum.

The Secretary called the roll, and the following Senators

answered to their names:

Curtis Dillingham du Pont Fall Fletcher Gallinger Ashurst Bacon Bankhead Borah Bourne Bradley Brandegee Bristow Gamble Jackson Johnson, Me. Johnston, Ala. Jones Burton Clark, Wyo, Clarke, Ark. ke, Ark. wford Kenyon Kern

McCumber McLean Martine, N. J. Nelson Oliver Page Perkins Pomerene Richardson Sheppard Simmons Smith, Ariz. Smith, Md.

Smith, Mich. Smoot. Sutherland Thomas Thornton Townsend Warren Webb Williams Works.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum of the Senate is present. The Senator from Kansas [Mr. Curtis] moves that the Senate proceed to the consideration of the bill (H. R. 28499) making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, notwithstanding the objection of the Senator from Iowa [Mr. KENYON].

Mr. KENYON. Mr. President, I desire to make a point of

The PRESIDING OFFICER. The Senator will state his

point of order.

Mr. KENYON. It is that under Rule XXVI the report of a committee, which is practically what this is, must lie over one day for consideration, unless by unanimous consent. That is the provision of part 2 of Rule XXVI. Mr. CURTIS. Mr. President, that would have been true had

the objection been made before the motion was made to take up the bill. The Senator did not make that point then, and I think it now comes too late. I will confess that, if it had been made at first, the measure would have had to go over for the

day.

The PRESIDING OFFICER. The present occupant of the chair is of the opinion that the point of order is well taken.

Mr. CURTIS. Then, Mr. President, I give notice that I shall call up the bill at the first opportunity on Monday next.

Mr. McCUMBER obtained the floor.

Mr. WARREN. Will the Senator yield to me for just a moment?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Wyoming?

Mr. McCUMBER. Yes.

Mr. WARREN. Of course, I do not know what the objection is to the bill. I assume, perhaps, the Senator wishes to look it over further. But I want to say that we shall have to ask Senators, as far as they can, to forbear asking extra time, because there are only a few days of the session left, and not a single appropriation bill, save the smallest of the lot, has passed. For instance, in this case, while it is true that this is the same day the bill was reported, there are so few changes that it was assumed that its consideration would be unanimously agreed to.

To-morrow is set aside for memorial exercises. On Monday we have notice of the river and harbor bill and the Indian appropriation bill; and if we add this to the others, of course it will more than use the day. Either the rule that the Senator has invoked would have to be abrogated, or we would have to let appropriation bills run over, when we were approaching the

end of a session.

Mr. KENYON. I do not want to be captious about my objection; but this bill was placed on my desk about 20 minutes ago, and it carries a large appropriation. For my part, I should like to have an opportunity to go through the bill.

WARREN. The matter having been settled, I simply wanted to appeal to the Senate to try to help the various com-mittees that have the appropriation bills in charge, for never in my experience here have we had so many unfinished appropriation bills so late in the session, and I fear that we may have to let some of them go over.

Mr. SMOOT. Mr. President, the Senator from Kansas [Mr. Curts], who has the bill in charge, also stated that if there was a single objection made during the reading of the bill he would lay it over until the following day. Of course that would protect anybody who desired to consider the bill further, under

the statement made by the Senator.

INDIAN APPROPRIATION BILL.

Mr. McCUMBER. Mr. President, I wish to give notice at this time of a motion to recommit to the committee House bill 26874—the Inflian appropriation bill—because of the fact that it is reported without an amendment which was adopted by the committee, and I desire to have it returned to the committee in will state his point of order.

order that it may be corrected in that respect. I shall not press the motion at this time, because the chairman of the committee is not present in the Chamber.

Mr. SMOOT. Mr. President, I will ask the Senator if it would not answer just as well to have the amendment offered on the floor as a committee amendment, and not take the time that would be necessary to refer the bill back to the committee?

Mr. McCUMBER. I do not think it will take much time to

reconsider the matter.

Mr. SMOOT. The bill would have to lie over for a day before we could consider it; and if the chairman of the committee will offer the amendment it will save the return of the bill to the committee.

Mr. McCUMBER. I have no objection; but there is an amendment which the record will show was adopted by a vote of 4 to 3, and the bill was reported with that amendment out of it.

Mr. GAMBLE. Mr. President-

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from South Dakota?

Mr. McCUMBER. I do.

Mr. GAMBLE. I reported the bill referred to on the 12th of February, with all amendments adopted by the committee, and at that time gave notice that later I should submit a report in connection with the bill. I think I shall be able to submit the report before the recess to-day. I am not advised as to what particular amendment the Senator from North Dakota refers I shall be glad to be advised.

Mr. McCUMBER. I will call the Senator's attention to it I have looked up the stenographic report to see if I was absolutely correct. I find that the loyal Creek claim was placed upon the bill by a vote of 4 to 3; that afterwards, when I was not present, the matter was considered, and without any further vote on the matter it was left out. It having been voted into the bill, I shall ask that the bill be returned to the committee, and I shall appeal to the record for the basis of that motion, for the purpose of having the item placed in the bill as

an amendment.

Mr. GAMBLE. Mr. President, perhaps the matter can be more appropriately taken up when the motion is made. The amendment to which the Senator from North Dakota refers was brought up before the committee; and while I do not want to state unduly what occurred before the committee, I will say that the Senator from Kansas [Mr. Curtis] took a position against the amendment. The discussion was somewhat pro-tracted. Other business intervened, and the Senator from Kansas was called to the floor of the Senate. The matter was submitted after the hearing, but it was suggested at the time before the committee that as the Senator from Kansas had taken a position in opposition to it, his vote should be counted in the negative. It was not determined at that time. The matter was finally determined later in the afternoon, when the vote stood 4 to 4, and the motion did not prevail. The Senator from Kansas was present, and indicated his opposition to the amendment.

I am satisfied that the accuracy of the statements I make can be demonstrated to the Senate from the record, because I have taken pains to go through the matter carefully, for the reason that the Senator from North' Dakota-spoke to me concerning it.

Mr. McCUMBER. If the Senator will give me a copy of the corrected print of the record at that time, I shall have very little difficulty in establishing to the Senator's own mind that his view is erroneous as to what took place in the committee. If the Senator desires to go into the matter, the facts were about like this:

A motion was made by myself to include the loyal Creek claim in the Indian appropriation bill. A vote was had upon that, and the vote was 4 in favor of and 3 against placing it upon the bill. It was suggested at that time that the Senator from Kansas [Mr. Curris], who was absent, would, if present, vote against it. I then made the suggestion that there were other Senators who possibly might overcome his vote by voting for it. Thereupon I also suggested that the Senator had already given notice that he would raise a point of order on the amendment upon the floor of the Senate, and that he would have the opportunity to do that, so that his rights would be protected in any event. Later in the afternoon, when I was absent, the matter was again taken up, but no further vote was had upon the proposition nor was it put a second time.

I simply stand upon the right to have an amendment which has been carried in the committee placed in the report of the

committee and upon the bill.

Mr. BRANDEGEE. Mr. President, I rise to a point of order. The PRESIDING OFFICER. The Senator from Connecticut

Mr. BRANDEGEE. I exceedingly dislike to interfere in the interesting discussion which is taking place, but I should like to make a parliamentary inquiry as to what is the pending matter before the Senate.

The PRESIDING OFFICER. The pending matter before the Senate is Senate bill 8033, known as the Connecticut River

dam bill

Mr. BRANDEGEE. Then I suggest that the pending contro-

versy is not particularly germane to the pending measure.

Mr. GAMBLE. Mr. President, will the Senator from Con-

necticut permit me to say just a word?

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from South Dakota?

Mr. BRANDEGEE. I yield to the Senator.
Mr. GAMBLE. I want to say to the Senator from North Dakota that the matter was submitted subsequently to the statement to which he refers. The Senator from Kansas [Mr. Curtis] was there and indicated his opposition to the measure, and it was stated before the committee that the motion did not prevail. So if it is referred back to the committee there will be a protracted delay. As it is now, we will be ready to take up the matter before the Senate on the first day of next week, and then the Senator from North Dakota can submit his amendment to the Senate.

Mr. McCUMBER, Mr. President—
The PRESIDING OFFICER, Does the Senator from Con-

Mr. BRANDEGEE. I yield.

Mr. McCUMBER. My opinion is that it will delay the matter very much longer if this case does not receive just treatment in the committee than it would if it should go back and the case should be tried out in the committee.

Mr. GAMBLE. We appreciate the fact that nearly the whole afternoon was given to the consideration of the proposed amend-The measure which was advocated by the Senator from North Dakota had the fullest consideration of any measure submitted to the committee during the present session.

Mr. McCUMBER. Yes; and it was carried, too.

CONNECTICUT RIVER DAM.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 8033) to authorize the Connecticut River Co. to relocate and construct a dam across the Connecti-cut River above the village of Windsor Locks, in the State of

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole, and open to amendment.

Mr. BANKHEAD. I suggest the absence of a quorum.
The PRESIDING OFFICER. The Senator from Alabama suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst Bacon Bankhead Borah Bourne Brandegee Bristow Burton Clark, Wyo. Cullom Curtis

Dillingham du Pont Fall Fletcher Gallinger Gamble Jackson Johnston, Ala. Jones Kenyon Kern

Lodge McCumber McLean Martine, N. J. Nelson Oliver Page Perkins Richardson Root Sheppard

Simmons Smith, Ariz. Smoot Sutherland Thomas Thornton Warren Webb Wetmore Williams Works

The PRESIDING OFFICER. Forty-four Senators have an-

swered to their names—not a quorum.

Mr. BRANDEGEE. I suggest that the names of the absentees be called.

The PRESIDING OFFICER. The Secretary will call the names of the absent Senators.

The Secretary called the names of the absent Senators, and Mr. NEWLANDS, Mr. SMITH of Georgia, Mr. SMITH of Maryland, Mr. SMITH of Michigan, and Mr. Townsend answered to their names when called.

Mr. Burnham, Mr. Chamberlain, Mr. Brady, Mr. Gronna, Mr. Gardner, Mr. Guggenheim, Mr. Myers, and Mr. Foster

entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-seven Senators have answered to their names. A quorum of the Senate is present.

Mr. BRANDEGEE. What is the pending amendment?

The PRESIDING OFFICER. There is no pending amendment.

Mr. BRANDEGEE. No amendment is pending? The PRESIDING OFFICER. No amendment. Mr. BRANDEGEE. Then I ask for a vote on the bill.

Mr. BANKHEAD rose.

Mr. BORAH. Mr. President-

Mr. BANKHEAD. I yield to the Senator from Idaho.

Mr. BORAH. There is an amendment which I offered and it is on the Secretary's desk. I offer the amendment.

The PRESIDING OFFICER. The Senator from Idaho offers

an amendment, which will be read. The Senator from Idaho has offered two amendments.

Mr. BORAH. It is the amendment with reference to interstate commerce.

The PRESIDING OFFICER. The amendment will be read. The Secretary. Strike out all after the word "further," line 19, page 2, including the word "charges," in line 8, page 3, and insert in lieu thereof the following:

3, and insert in lieu thereof the following:

That the provisions of the act entitled "An act to regulate commerce," passed and approved on the 4th day of February, 1887, together with the amendments thereto, shall apply to any corporation or any person or persons engaged in transmitting hydroelectric power or electricity from one State. Territory, or District of the United States to any State, Territory, or District of the United States to any State, Territory to another place in the same Territory or to any foreign country, and that the term "common carrier" as used in said act and the amendments thereto shall include companies engaged in transmitting hydroelectric power or electricity as aforesaid: Provided, That said act shall not apply to the transmission of hydroelectric power or electricity wholly within one State and not transmitted to or from a foreign country, from or to any State or Territory as aforesaid; that the rules prescribed in said act as to just and reasonable charges or rates and the procedure relative to other common carriers, in so far as applicable, shall apply to such company, person, or persons transmitting hydroelectric power or electricity as aforesaid, and to the fixing and establishing of just and reasonable charges or rates fully and completely.

Mr. PORAM. Mr. Proceident, the effects of this averagement.

Mr. BORAH. Mr. President, the effect of this amendment, if it should be adopted, would be to strike out that portion of the original bill covered by line 19, on page 2, to line 8, on page 3, which relates to the power of the Secretary of War to impose reasonable charges, and so forth, and to insert in lieu thereof this amendment, which provides for the fixing of rates through and by means of the Interstate Commerce Commission,

I discussed the matter at some length yesterday, and therefore I do not desire to do more than to call the attention of the

Senate to the nature of the amendment.

Mr. NELSON. I understand the amendment proposes to strike out all after line 18, on page 2, down to the end of the section, in line 8.

Mr. BORAH. And to insert in lieu thereof as an amendment a provision that the Interstate Commerce Commission shall have jurisdiction to fix the charges of companies transmitting power across State lines.

Mr. BURTON. Will the Senator from Idaho please answer a

question? Do I understand that his proposed amendment seeks to establish a general principle, or is it applicable only to this bill?

Mr. BORAH. It would apply to all power of companies transmitting hydroelectric power across State lines.

Mr. BURTON. It is then establishing a general principle. Mr. President, I am really gratified to note that the Senator from Idaho takes that ground. It is inevitable that with the development of this industry its interstate phase will become so manifest that there must be Federal control either by the Interstate Commerce Commission or by some other agency of the Federal Government; but I do not think we ought to take up that question here. This is a local bill. This amendment would establish a universal rule. I do not think we are quite ready to take such a step. For a considerable time the States can make adequate regulations relating to charges, secure consumers against extortion and the public against monopoly. I repeat, however, I am satisfied that the ultimate disposition of this question will be that in the case of power transmitted from the place where the water is harnessed and the installation is made into another State some Federal agency must control.

Mr. President, there is another reason why I hope this amendment will not be adopted. It is open to the suspicion that it is intended to accomplish the defeat of this bill.

Mr. BORAH. I should like to relieve the Senator's suspicion

as much as I can by saying that I know one more vote that the

bill will get in case the amendment is adopted. Mr. BURTON. But the Senator from Idaho proposes to strike out the provision under which a certain charge is to be made for this water power, which is a vital part of the bill, and establish in place of that provision a rule with reference to the methods under which charges for power are to be made.

Mr. BORAH. The purpose of the amendment is to provide a means by which the ultimate consumers of the power can get the benefit of the power without carrying the burden which would be imposed upon them by reason of the provision which is now in the bill.

Mr. BURTON. I wish to discuss that question. Why does not the Senator from Idaho introduce this as a separate amendment, not in place of any clause in the bill, but as an entirely separate proposition? If he wishes to enunciate that principle, there is an easy way to do it. I do not believe in its being put into this local bill, but if it must be added there is an easy way to do it by adding it as an amendment to another section of

the bill instead of striking out a part of it.

Mr. BORAH. I will be as frank with the Senator from Ohio as he is with the Senate in giving the construction of it. I offered it in this way because I am opposed to this provision in the bill. I have made no concealment of the fact that I would dislike very much to vote for the bill with that provision in it. But if it should transpire that this amendment is defeated as it is offered, I shall offer it as a separate provision of the bill.

Mr. BURTON. The argument of the Senator from Idaho is that as a result of this proposed charge the cost will be increased to the consumer. I wish to state some facts in that connection. It is, of course, a general rule that wherever you increase the cost to the producer the consumer must bear a part of that increase in the price which he must pay for the service or commodity. But in the great majority of instances in this country the cost for water power must be determined by competitive conditions. What are those conditions? A part of our electrical power is produced by the agency of coal and a part by that of falling water. Practically speaking, these are the only primary sources of power on a large scale.

At present the larger share of the power is produced by the burning of coal. Electrical power can be produced, in some instances, by hydroelectric installation for \$16 or less per horsepower per year, 24-hour service. The cost where coal is burned is not less than \$28. Suppose you have an industrial center in which the consumption of power is 500,000 horsepower per annum, 400,000 furnished by steam and 100,000 by water. That proportion does not present an unusual case. The figures may be incorrect, but the proportion is substantially accurate. With 500,000 horsepower required, 400,000 of it to be furnished by the burning of coal and 100,000 by water, we will assume that the one will cost the producer \$16, the other \$28. Now, what is going to be the result? Suppose you have a public-service commission that is to fix the rate. Is the commission going to say that one class of power, which brings exactly the same result and is of the same efficiency and value, shall be furnished on a cost basis of \$16, and that the other may be sold on a cost basis of \$28?

No, Mr. President, in the very first instance the complaint would come from the consumer. The consumer would say, "I am paying \$12 per horsepower more for the power I use than my neighbor across the street, who is engaged in the same class of manufacturing. That difference is enough to drive me out of business." The result would be that a uniform price would be fixed, consistent with all the conditions. Now, what are you going to do in such a case as that? The producer who generates his current by water power has a very large profit.

Mr. BORAH. Mr. President—

Mr. BURTON. I would be glad to yield to the Senator from

Idaho.

Mr. BORAH. Suppose this condition of affairs-

Mr. CLARKE of Arkansas. May I disturb the Senator from Idaho sufficiently to ask that the pending amendment be reported? It would enable some of us to understand better the discussion that is going on. Some of us were not in the Chamber when the amendment was submitted. I ask that it be read to the Senate.

The PRESIDING OFFICER. The amendment will be again

read.

The Secretary again read Mr. Borah's amendment.

Mr. BANKHEAD. Mr. President, a parliamentary inquiry. The PRESIDING OFFICER. The Senator will state it.

Mr. BANKHEAD. I believe under the rules and practice of the Senate the committee reporting the bill are entitled to perfect the bill, if they have amendments to offer, before other amendments are considered. Am I correct?

The PRESIDING OFFICER. The Chair will state that that has been the custom so far as the Chair is informed. There

is no rule on the subject.

Mr. BANKHEAD. That has been the custom, Mr. Presic The PRESIDING OFFICER. So the Chair understands. That has been the custom, Mr, President.

Mr. BANKHEAD. There is an amendment pending offered by a majority of the committee. I offered that amendment in the beginning of this discussion and had it read from the desk with a view that it might be pending when the time came to act upon it.

The PRESIDING OFFICER. When the bill was taken up a few minutes ago the Chair was informed by the clerks at the

desk that no amendment was then pending. Thereupon the amendment was offered by the Senator from Idaho.

Mr. BANKHEAD. Evidently the clerks were mistaken, because the Record will show that I offered the amendment and had it read from the desk.

Mr. NELSON. Mr. President—
The PRESIDING OFFICER. Will the Senator from Ohio yield to the Senator from Minnesota?

Mr. BURTON. I yield to the Senator from Minnesota. I believe I already yielded to the Senator from Idaho, but if there in entire concurrence between them I should be glad to yield to the Senator from Minnesota.

Mr. NELSON. I suggest to the Senator from Alabama and the Senator from Idaho to let us have a vote first on the motion

to strike out these lines.

Mr. BANKHEAD. That is what I propose.

Mr. NELSON. Then the Senator from Idaho can afterwards offer his amendment, if that is agreeable to the Senator. BORAH. That is entirely agreeable. I offered my amendment because no one else was offering anything. I do not desire to interfere with the committee's action.

The PRESIDING OFFICER. The Chair will state, if the Senator having the floor will allow him, that the bill as reported by the committee contains no amendment. There are no italics in the bill, and therefore there were no committee

amendments proposed.

Mr. BANKHEAD. I do not know whether the Secretary remembers reading it or not, but the Senate will remember that when I took the floor I sent an amendment typewritten to the desk and asked to have it read. It appears in the RECORD as having been read from the Clerk's desk. It must have gone there.

The PRESIDING OFFICER. The RECORD shows that it is an amendment intended to be offered by the Senator from

Alabama

Mr. BANKHEAD. At the same time I suggested that under the practice of the Senate the majority of the committee would be entitled to perfect the bill before other amendments were considered.

The PRESIDING OFFICER. The Chair is compelled to rule that the amendment of the Senator from Idaho having been offered and placed before the Senate, it is the pending amendment.

Mr. BORAH. By the consent of the Senate, I will withdraw the amendment. I withdraw the amendment, then, and give the Senator from Alabama an opportunity to do what he desires to do.

The PRESIDING OFFICER. In that case, the amendment of the Senator from Alabama is in order and will be read.

The Secretary. Strike out of section 1, beginning after the word "act," in line 15, on page 2, the following:

Mr. BORAH. Mr. President—
The PRESIDING OFFICER. The Senator from Alabama having offered the amendment to the bill, will that Senator yield to the Senator from Idaho?

Mr. BANKHEAD. I have no desire to occupy the floor at this time; I simply wanted to get this amendment before the Senate.

Mr. BURTON. I should like to finish at least a part of my remarks

Mr. BANKHEAD. I would be glad to hear the Senator from Ohio.

Mr. BURTON. Do I understand that the Senator from Alabama desires to speak to that amendment?

Mr. BANKHEAD. I will determine that when I hear from

the Senator from Ohio. The PRESIDING OFFICER. The Chair had overlooked the

fact that the Senator from Ohio is entitled to the floor. I wish the Senator from Alabama would con-Mr. BORAH. sider the proposition of amending his amendment. So far as

I am concerned I do not want to interfere with taking out the first proviso. The first provision is: And provided further, That the rights and privileges hereby granted may be assigned with the written authorization of the Secretary of War, or in pursuance of the decree of a court of competent jurisdiction, but not otherwise.

It seems to me that that ought to remain in the bill. should very much prefer to have the amendment submitted simply striking out the second proviso.

Mr. BANKHEAD. As far as I am concerned I am perfectly willing that that proviso shall remain in the bill, and with the consent of the Senate I would be willing to withdraw that part of my amendment.

Mr. BORAH. Very well.

Mr. BANKHEAD. That is not the part of the bill I am ter. I have no objection to that part. I have no objection after. to all the supervision of that sort of business that can properly be had.

Mr. JONES. I wish to suggest to the Senator from Alabama that he can modify his amendment and simply strike out the last proviso.

Mr. CLARKE of Arkansas. In line 19.

Mr. MARTIN of Virginia. He can modify the amendment. Mr. BANKHEAD. I want to get the thing straight before the

Senate. I am willing that the first proviso contained in the amendment shall remain in the bill. Therefore, would it not be competent for the Senate to give its consent, if it will, that the amendment may be so amended?

Mr. MARTIN of Virginia. You can not do it without consent. Mr. BANKHEAD. Then, Mr. President, if I have the right, as the mover of the amendment, I will withdraw that part of the amendment included in the first proviso and leave the other portion of the amendment before the Senate.

The PRESIDING OFFICER. Without objection, the Senator from Alabama withdraws that part of the amendment

which will be read.

The Secretary. The proviso reads:

And provided further, That the rights and privileges hereby granted may be assigned with the written authorization of the Secretary of War, or in pursuance of the decree of a court of competent jurisdiction, but not otherwise.

Mr. BANKHEAD. That part of the amendment is with-

drawn, Mr. President.

The PRESIDING OFFICER. The question is on the adoption of the amendment offered by the Senator from Alabama, as modified, which is to strike out all of that section after the word "further," in line 19, on page 2.

Mr. NELSON. All of the section after line 18.

Mr. BURTON. Mr. President, it appears from the circumstances under which electric power is furnished that the ordinary rule-that the extra cost resulting from such a charge would fall on the consumer-does not apply at least in most parts of the country, and it is probable that such a condition will continue for a very long time. It is perfectly well known that there is no business in which the chances for profit are greater than in the development of hydroelectric power. That is shown by the number of promoters who have been crowding to this Congress for the last 12 years. The anxiety with which these privileges are sought should awaken our attention. If there is any one thing in which we should safeguard the public interit is in placing proper restrictions upon these grants of the right to construct dams in navigable streams to develop power. If there is any problem which assumes magnitude not only in present but promises far greater importance in the future, it is the control of the hydroelectric business.

What is the object of this provision? In such cases as that which I have named, where power is selling on a cost basis of \$28 per horsepower, and it can be profitably produced for \$16, the difficulty prevails of equalizing charges. My contention is that a proper portion of the difference between the cost of production by steam and by water power, enjoyed under grant of Congress, should go to the Government of the United States for the improvement of the stream in which such dam is

located.

There have been long arguments here to the effect that it is all right to allow a company to acquire land and put in a dam; it is all right that Congress should require the building of a lock, though that has nothing whatever to do with the development of power; it is all right that you should require that the light and power should be furnished to the end of time for the operation of that lock, but you can not impose a charge expressed in dollars.

Mr. President, if there has been an absurdity presented to the Senate for some time, it is the attempt to draw the dividing line between these conditions and the imposition of a charge. The moment you seek to distinguish between them you find Both alike are based on the power to imyourself in the fog. pose conditions in the interest of navigation. Let me give a very few simple illustrations, based on this very bill here:

Sec. 2. That the height to which said dam may be raised and maintained shall not be less than 39 feet above zero on the Hartford gauge.

The project of the Government is to secure 12 feet from Hartford for 52 miles to the sea. Suppose the engineers of the company seeking permission to build the dam on examination | pensation,

should find that it would be more economical, so far as the development of power is concerned, to construct that dam to a height of 35 instead of 39 feet, and the officers of the company should say to the officials of the Government: "You are asking us to make that dam 39 feet, but we can more profitably construct it to a height of 35 feet," and the Government engineers should find that if the height is only 35 feet it would be necessary to do a considerable amount of dredging to deepen the channel below, and that it would also be necessary to continue that dredging each year at considerable cost; is there anybody who would go to the absurd length of saying that the Government could not in its contract with the corporation consent that the dam be diminished in height to 35 feet, but the condition be added that money enough be paid to maintain that 12-foot channel? That is, a 12-foot channel would be maintained by 39 feet, but the company may desire a height of 35 feet; and in order to maintain the 12-foot channel with a 35-foot dam, it would be necessary to incure expense each year. Is there anyone who would say that there could not be claimed from that corporation money year by year sufficient to maintain that depth?

Let us take another case. There is a provision here that the corporation shall "provide a minimum discharge past the dam of not less than 1,000 cubic feet per second." Suppose the company should say: "It is much more profitable for us to allow only 800 feet to go past the dam." In that case there would be an added expense below the dam for dredging and for main-Would it be maintained that in such a case as that tenance. there could not be an annual charge imposed thereafter for the

maintenance of the dredging below?

Still further, there is one great central fact. This river is an entirety. Navigation, in order to exist at all with profit, must be maintained both above and below this proposed improvement. The proposed improvement alone does not make the Connecticut River navigable from Holyoke to the mouth. That is but one part, one specific locality, a few miles of the whole stream, and the Government can, with the utmost propriety, not only impose the condition that you shall build a dam and lock and furnish power, but that you shall also aid in effectuating this improvement of which your dam is a part, to wit, the navigation of the river.

Mr. BANKHEAD. Mr. President-

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Alabama?

Mr. BURTON. Yes. Mr. BANKHEAD. I should like to ask the Senator from Ohio if he thinks the question that he is discussing, the regulation of the flow and all that sort of business, has any relation whatever to the provision that we are trying to strike out, which simply authorizes the Government to charge a toll for the use of the water?

Mr. BURTON. It does have a most direct relation.

Mr. BANKHEAD. All the provisions that the Senator is discussing will remain in the bill. They will not be affected at all.

Mr. BURTON. Yes; but you were stating that it was utterly improper to put on an annual charge, and here I have suggested instances in which it would not only be absolutely proper but necessary.

Mr. BANKHEAD. I understand that; but what I wanted the Senator to show was that the phase of this question which

he is discussing is applicable to this amendment.

Mr. BURTON. It is, decidedly. The dam and the dredging would be part of the navigation of the same river; it includes not merely a few mills from Enfield Rapids but throughout the whole length of the river.

Mr. BANKHEAD. Of course, it is a part of the same river: but when that language goes out of this bill it will not be a part of the bill. The language which we propose to strike out has no reference whatever to the question that the Senator from

Ohio is discussing.

Mr. BURTON. I do not wish, Mr. President, to go over my argument in regard to rights in this water. Of course, the rule is, as laid down by the supreme court of my own State in 6 Ohio, at page 540, and in Barney against Keokuk; but what did the court rule, for instance, in Barney against Keokuk? Below the point to which the abutting owner on the Mississippi owned, the city of Keokuk put in a wharf for public use, and the abutting owner, who owned to the water line, said, you can not do that. So far as there is any occupancy, I go clear out to the middle of the stream, and you can not put in that public wharf right in front of my property without paying me." The Supreme Court of the United States decided that any occupancy of the river bed below high-water mark was for public use and that the owner was not entitled to an iota of com-

The Senator from Minnesota [Mr. Nelson] said that this whole case was settled by a decision of the Supreme Court in relation to land under water in New Jersey. In my prior argument I referred to a case where the Government of the United States authorized a private corporation to build a bridge across from the mainland in New Jersey to Staten Island. In the building of that bridge it was necessary to place piers in the bed of that stream, which, as the Senator has argued, belonged to the King, and later to the State of New Jersey. The State of New Jersey came in and said, "We are entitled to compensation; that is our land." This was a private corporation, not the Government of the United States; but in the circuit court Justice Bradley, of the Supreme Court-and his opinion has been quoted with approval by the Supreme Court-said: You do not own that land except for the public. This locating of a pier there, though by a railroad company, is by a corporation which is seeking to promote interstate commerce, and it has a right, in carrying out that public purpose, to locate that pier in the bed of that stream without asking your leave under the consent that it has from the Government of the United States."

The rights of the abutting owner are very well defined in all the textbooks. He has not any property in the water except the right to utilize its flow. I do not want to go into that branch of the subject again, Mr. President, as I entered into it

quite fully in my previous argument.

Mr. President, we must not look at this question from any strict or technical interpretation of the Constitution. out of place in this present-day civilization, when the loudest demand of the time is for the greatest degree of efficiency and the greatest regard for the public welfare, when technical

But there is no right which is confiscated under this bill. The abutting owner is the licensee. If he does not own all the flowage right, he must acquire it by purchase. The bed of the stream—how about that? There is a certain qualified ownership in the State of Connecticut, but that is in trust for public use. The paramount and supreme right is that of navigation, and of that the Government has absolute control. The Government can either act itself or it can authorize some one else to act. In either case, whether it is done directly by the Government or done through a private corporation, conditions may be imposed, always provided they do not violate funda-mental principles of law. It is expected also that the legislature will impose conditions for the public good.

We have been incurring great expense in the improvement of the Connecticut River. Is it not proper and fair that a part of that expense should be met from this exceedingly valuable privilege, for of all the propositions of this nature which have been before us, Mr. President, this is the one locality where the utilization of water power can be had under the most favorable circumstances? It is in a locality where there are almost countless industrial establishments in the near neighborhood. A market will not have to be sought; it will be ample from the very first day.

I can not understand how the Senator from Minnesota could make such an appeal for this company which seeks this privi-lege. I must say, Mr. President, that it is indeed rare that anyone in the Senate so complains of the injustice that would be done to a private corporation. The Senator from Minnesota, I am very sure, is the last man who would be expected to make that kind of an argument.

Mr. BORAH. Mr. President——
Mr. BURTON. I will yield to the Senator in a moment. The Senator from Minnesota seems to think that we are treading on the toes of this corporation; that we ought to let them have this privilege free, imposing no charge upon them; that we ought to make no provision for navigation; that we must disregard the interests of the Government, and on some theory of State rights or private rights let the corporation thrive and flourish.

Mr. BORAH. Mr. President-

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Idaho?

Mr. BURTON. I yield to the Senator.
Mr. BORAH. I want to ask the Senator's attention to this proposition, for I do not think he was in the Senate Chamber yesterday when I discussed it. The contract which has been drawn up in contemplation of this bill going through provides as

Mr. BURTON. From what page is the Senator reading? Mr. BORAH. Page 5 of the contract. It provides:

(c) The actual and bona fide cost of all labor, material, supplies, and other expenses of maintenance and operation, excluding depreciation. Such cost of operation shall be taken to the initial points of distribution, to be fixed subject to the approval of the Chief of Engineers.

Of the net profits of the company as thus ascertained the company shall be entitled to all of the said profits up to an amount equivalent to 8 per cent of the actual amount of capital invested as provided in section 1 of this memorandum. The said net profits beyond 8 per cent, and not exceeding 9 per cent, shall be divided between the United States and the company equally. The net profits beyond 9 per cent shall be divided between the company and the United States at ratios and in manner to be provided in the above-mentioned permit and agreement, but in no event is the share of the United States to be less than 50 per cent of such excess profits.

Mr. President, unless we consider the Government of the United States and the people as one, and also that the highest duty of the people is to pay taxes, suppose that the consumers of power in the vicinity of this power site should come to the conclusion that the company and the United States together were receiving entirely too much profit-because they agree to share the profits-then to whom would the people appeal in order that they might have that profit reduced to a reasonable figure and in order that they might not be imposed upon by extraordinary charges?

Mr. BURTON. In the first place, there is a provision for readjustment at the end of each 10-year period. If there were an undue profit, the public-utility commission of Connecticut would be the body to fix the rates. Under the proposition of the Senator from Idaho, the Interstate Commerce Commission, or some similar agency, would have the right to fix the rates to be charged for power. It is only after the public-service commission of Connecticut, or whatever the body is, fixes the price and after the company still earns its 8 per cent that there is to

be any division at all.

Mr. BORAH. Precisely; but when the company shall have earned 8 per cent, then the rate-fixing power and the company could go into business together, neither one of them interested in reducing the rates or keeping them down, but both interested in raising the rates; and the third party, the people, would have no protection at all under this contract.

Mr. BURTON. The public-service commission of Connecticut fixes the rate the consumers pay, and what else do they need protection for?

Who fixes the rate they pay? Mr. BORAH.

Mr. BURTON. The public-service commission of the State of Connecticut.

Mr. BORAH. That is true.

Mr. BURTON. But if the power is sold outside of the State. if the policy which I think must ultimately prevail is adopted, then, in that case, the Interstate Commerce Commission would fix the rates

Mr. BORAH. Well, Mr. President, under the amendment which I have offered, if the power is transmitted in interstate commerce or across the State line, the rate is fixed by the Interstate Commerce Commission; but if it is intrastate, it is fixed by the utilities commission of Connecticut. So the amendment which I have offered does nothing more than to erect a tribunal which shall provide and control the charges. I do not think that it can be properly said that we are delirlously anxious to protect the interests of the corporation when we are trying to insert here a provision which creates a tribunal which shall keep that rate down to a reasonable figure.

Of course we proceed in our legislation upon the theory that the Government can do no wrong, as it used to be said that the King could do no wrong; but it is not safe to place in the hands of an officer of the Government the power to fix a rate when he is particularly interested in having that rate raised all the

time in order to get more proceeds.

Mr. BURTON. I do not agree that he is interested in having it raised. This provision would apply only in case the profit did reach 8 per cent. In that case and in order either to check exorbitant profits or give the public some share in them jurisdiction is then given to the Secretary of War.

Mr. BORAH. Well, Mr. President, when you take into consideration the fact that these departments are always as desirous of securing as much money for the several departments as possible, it is not, it seems to me, a wise proposition to have the department fixing the rate from which it is to derive its revenue.

Mr. BURTON. I do not quite understand what the Senator from Idaho means by that statement.

Mr. BORAH. Well, in the first place, this corporation could fix any rate that it saw fit so far as this bill is concerned.

Mr. BURTON. No; it could not.
Mr. BURTON. It could not.
Mr. BURTON. It could so far as any provision in this bill is concerned; but we all know perfectly well that there is a public-utilities commission which has ample right to fix the rate. I stated early in the discussion that in other bills I have proposed an amendment by which the Secretary of War might control the charges, and I should have been very glad were

such a provision in this bill; but I regarded that provision as merely academic, because, according to representations made to me by those most familiar with the subject, there was ample machinery for that purpose in the State of Connecticut; and I thought that for the present, at least, we should leave that matter as far as possible to the State itself.

Mr. BRANDEGEE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio

yield to the Senator from Connecticut?

Mr. BURTON. I do.

Mr. BRANDEGEE. Mr. President, I desire to make a suggestion to the Senator from Ohio and to the Senator from Idaho. It seems to me that, if the net profits of this company should ever go above 8 per cent, almost any public-utilities commission would say that the charges from which that excess over 8 per cent resulted were unreasonably high charges, and they would be reduced. I do not think there is the slightest danger in that regard.

Mr. JONES. If the company will not be able to earn above per cent, why the necessity of putting such a provision in the

Mr. BRANDEGEE. It has not been put in the bill. It is in the proposed agreement submitted by the Secretary of War as to what might be done if this bill is passed.

Mr. JONES. Why put the provision in as to charges if, under the agreement and under the circumstances, the profit is not going to come up to the limit at which the Government will be able to divide?

Mr. BRANDEGEE. I do not know how much there will be. Mr. BURTON. I have endeavored to set forth a reason for

that.

Mr. NELSON. Mr. President, will the Senator yield to me?
Mr. BURTON. If the Senator will allow me to proceed for
just a moment I will then yield to him. Under conditions existing by which part of the power is supplied by coal generation and part by water power there will be trouble. In the same localities, if there were a great difference in cost between the two, the public-utilities commission surely would not make fish of one and fowl of the other. Although they are of dif-

ferent origin, yet they are furnishing the same facilities.

Mr. JONES. I asked my question based upon the same line as that of the Senator from Connecticut. I heard the argument of the Senator along that line a few moments ago.

Mr. WORKS. Mr. President—
The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from California?

Mr. BURTON. The Senator from Minnesota [Mr. Nelson],

I believe, first rose, and I yield to him.

Mr. NELSON. For a very mild question. I am a little curious to know under what legislative authority the Secretary of War is acting in negotiating with these people and entering into a preliminary agreement before Congress has acted on the subject.

Mr. BURTON. Of course, Mr. President, that is easy to see. It is as the Secretary of War states in the document trans-There is nothing final to this; it is merely preliminary.

Mr. NELSON. He is willing to give Congress a little show

in the matter

Mr. BURTON. He gives Congress all the show. Indeed, I think Congress is exercising its will on this bill without limit and at most considerable length.

Mr. SMITH of Arizona. Mr. President, let me ask one

question.

Mr. BURTON. The Senator from California [Mr. Works]

first arose to ask a question, and I will yield to him.

Mr. President, the contract referred to by the Mr. WORKS. Senator from Idaho [Mr. Borah] provides that out of the gross earnings of the corporation it shall be allowed for its maintenance and operating expenses. I should like to ask the Senator from Ohio whether the amount the Government would be allowed to charge under this bill, if it becomes a law, would be included as a part of the cost of maintenance and operation?

Mr. BURTON. I do not think it would; that is, the charges for maintenance and operation must first be computed and together with that a reasonable profit. The bill provides at the

end of section 1:

And no charge shall be imposed which shall be such as to deprive the said corporation of a reasonable return on the fair value of such dam and appurteannt works and property, allowing for the cost of construction, maintenance, and renewal and for depreciation charges.

It seems to me the bill answers that question.

Mr. WORKS. Then, I suppose, under the view of the Senator from Ohio, if this particular charge would consume all the profits, the company would be entitled to no credit on account of that charge being made?

Mr. BURTON. That charge would only be made in the event that after payment of cost of operation, allowing for the cost of construction, which would probably mean the interest on the construction, maintenance, and renewal, there is still a balance left.

Mr. WORKS. I am afraid the Senator from Ohio has not given very careful attention to the decisions with respect to the charges that a corporation has a right to have taken into account before it can commence to count profits. I think all the authorities hold that the corporation would first be allowed a sufficient rate to repay this amount, together with other fixed charges, and the reasonable profits in addition.

Mr. BURTON. The Senator from California evidently misapprehends the fundamental fact in this case, namely, that this is a special charge to be made under certain circumstances, which are very carefully detailed here.

Mr. WORKS. Mr. President, it is a charge which will eventually be a charge against the consumers of this company.

There is no escaping from that fact.

Mr. BURTON. Mr. President, I think I have answered that sufficiently. That is a mere repetition of a general fact, which it is very easy to state as a general principle, but which does

mot in any way apply in this case.

Mr. CUMMINS. Mr. President—

Mr. BURTON. The Senator from Arizona [Mr. SMITH] asked me to yield to him awhile ago, and I will yield to him

Mr. SMITH of Arizona. What I wanted to ask is this: If the United States has the power to do anything with this contract, if it can fix a rate, impose a charge, or lay certain duties on the company, what right has the State to come in and pass any rule, law, or regulation through any tribunal it has to affect in any way the power that the Government is exercising in this matter? In other words, my contention is-and I want information from the Senator-that if the Government has any power at all here, it has exclusive power. If it can fix that, it can fix a rate. If it can fix a rate, the State can not change it. Therefore I say it has no power at all. Therefore it is an invasion of the rights of the State to fix the rate.

Mr. BURTON. I think possibly the Senator from Arizona has misapprehended one point in this matter, namely, that the Government does not fix the rate. The charge that would be paid to the Government would arise only after the payment of the revenue to the company and the deduction of the charges

which are specified.

Mr. SMITH of Arizona. Further, if they can do this, could not the Secretary of War, at some subsequent time, spread this a little further? Could he not, under this power, make a contract as to what the consumer should pay?

Mr. BURTON. He could fix other charges at the end of 10

Mr. SMITH of Arizona. Then the Federal Government would invade the State, in spite of all the efforts of the State, and fix the rate which consumers would pay for the power?

Mr. BURTON. Not at all. The whole machinery regarding charges is still under the control of the State. If power were furnished in another State, then the Senator from Idaho [Mr. BORAH] suggests that the charges should be placed under the Interstate Commerce Commission.

Mr. SMITH of Arizona. I am speaking of power furnished in the State of Connecticut. If they have the power to fix any charge at all-

Mr. BURTON. They have.

Mr. SMITH of Arizona. Then how can the State affect the

Federal charge?

Mr. BURTON. The Federal charge is a claim upon the fund that is left, after the deduction of the expenses named here from the income derived from rates fixed by the State of Connecticut.

Mr. SMITH of Arizona. But that does not touch the principle of the right to charge. If they can do what they propose to do in this bill 10 years from now, does the Senator deny that they could fix the rate at which the consumer should take this power or at which the company should furnish it?

Mr. BURTON. Not at all. No right is given to fix the rate to the consumer.

Mr. SMITH of Arizona. The Federal Government has no such right?

Mr. BURTON. It has no right to fix the rate to the consumer under the provisions of this bill.

Mr. SMITH of Arizona. Then what right has it?

Mr. BURTON. As I said a few minutes ago, I favor—and I favored in the case of the Coosa River bill—lodging in the Federal Government the right to review the rates charged; but it was not thought necessary in this case, because the State of

Connecticut has a commission which, as I understand, is entirely competent to do that work.

Mr. SMITH of Arizona. If the Senator will pardon one more

interruption

Mr. BURTON. Certainly. Mr. SMITH of Arizona. I was asking for a suggestion from the Senator, in whose judgment I have very great confidence. My contention is that the Government had nothing whatever to do with this matter. The Senator's contention is that the Government has the power; and I am trying to measure what power the Government has. If it has the power to lay an embargo, to lay a toll or a duty or an imposition, that duty, toll, or imposition ultimately comes out of the consumers of this power, confessedly made through State property and within State lines. If the Government can do that, it can go to the other limit of absolutely ruining all State power.

Not a particle of State property is involved. Mr. BURTON. It is not the laying of any embargo on the company or on the consumer or on anyone else. The object of this provision is to prevent this corporation from reaping an inordinate profit from If the rate of 8 per cent is reached, then, in that enterprise. that case, a certain proportion is to be paid over to the Gov-

ernment to be applied to purposes of navigation.

I am frank to say that to me the rate of 8 per cent seems rather high; but it is well known that in many of these enterprises the return has far exceeded that amount. It is a some-

what uncertain business.

The cost of constructing a lock and dam, though it can be computed with a fair degree of accuracy, has some elements of uncertainty. The cost of installation furnishes a still greater element of uncertainty. The amount of power developed is even more uncertain still. The market in this locality would be a comparatively fixed factor, and it could be estimated with some degree of assurance. But the Senator from Arizona well knows that in proportion as the results of investments are uncertain, investors expect a larger return.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. BURTON. Certainly.
Mr. CUMMINS. Mr. President, is it the view of the Senator from Ohio that we ought to consider the proposed contract between the Secretary of War and this company in determining whether or not the bill before us should pass?

Mr. BURTON. I believe the Senator from Iowa can tell as well as I with reference to that. I do not at all understand

that this agreement is a finality.

Mr. CUMMINS. I think the Senator from Ohio will agree Mr. CUMMINS. with me that in determining the merit of this bill, we ought not to take it for granted that any contract is made, or is about to be made, between the Secretary of War and the company. ought to look at the terms of the bill alone in order to determine

whether or not it should pass.

Mr. BURTON. I should say so.

Mr. CUMMINS. The question I intend to ask the Senator from Ohio is this-

Mr. BURTON. That is to say, that is all we have before us. We have here an intimation of a probable contract that may

be made; that is all.

Mr. CUMMINS. I do not want the Senator from Ohio to think that I disagree with him about certain phases of this bill, but I do disagree with him about certain provisions of it. I have no doubt that the Government of the United States in this instance, under the conditions of the Connecticut River, can grant permission to build a dam across it which is really a part of the system of improvement already determined upon, and that the company which builds the dam can dispose of the power generated by it. So far the Senator from Ohio and myself are in agreement; but we only reach that conclusion upon the theory that the Connecticut River Co. is doing what the Government of the United States might otherwise well do. If the Government built the dam and generated the power, of course it would fix the price at which the power would be sold.

Mr. BURTON. If I may interrupt the Senator from Iowa, I will state that the question was raised here a few days ago whether, in case the Government generated the power, the rates would be subject to the ruling of any State commission. I should like the opinion of the Senator from Iowa upon that

Mr. CUMMINS. In my opinion, very clearly not. If the Government builds the dam and has the right to sell the power-and concerning that I will leave the discussion to others here, but I will assume that it has-undoubtedly it has the right to determine at what price it will sell the power. may be well assumed that it will sell it at a price that will do no injustice to the people to whom it is supplied.

If the Government gives to the Connecticut River Co. the permission to build the dam and sell the power, it seems to me that, unquestionably, the Government ought to reserve the right to fix the rate at which the power shall be sold-not only the rate on power that is transmitted from one State to another, but the rate on power that is used in the State of Connecticut alone.

So far as I am concerned, I never can bring myself to favor measure that does not reserve that right on the part of the Government. I am now assuming that this is a proper instance for the grant of the permission. I assume that as my initial

premise.

My objection to the bill is because the Government does not reserve the right to declare what a reasonable rate shall be; and furthermore—I shall not deal with that now, however, because there is a false and fictitious standard of value sought to be established in the bill for application in the event that the permission is ever withdrawn from the Connecticut River Co.

The Government ought not to bind itself to take this improvement under a valuation the test of which is proposed in this bill. That, however, is not up now, and I shall not divert the attention of the Senator from Ohio to that point. But I am sure that the point that was under discussion when I came innamely, the propriety of the Government reserving the right to fix the rates in every instance in which it has the right to grant permission-ought not to be questioned.

Mr. BRANDEGEE. Mr. President—
The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Connecticut?

Mr. BURTON. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. Mr. President, the Senator who objected to my request, made this morning, for unanimous consent to vote upon this bill and all amendments to it in accordance with the terms of the unanimous-consent agreement which stands upon the calendar, informs me that he has no objection, and therefore I renew the request. The request was that under the terms of the unanimous-consent agreement as it stands on the calendar we shall commence voting upon this bill and all amendments, to final disposition of the same, not later than 4 o'clock on Monday next, without further debate.

The PRESIDING OFFICER. The Senate has heard the re-

quest for unanimous consent made by the Senator from Con-

Is there objection?

necticut. Is there objection?

Mr. SMITH of Arizona. I did not hear the request.

Mr. BRANDEGEE. The request is for unanimous consent that we shall vote not later than 4 o'clock next Monday afternoon on the pending bill.

Mr. SMITH of Arizona. What time does that give? Is there any special order for that day, or any appropriation bill that

will consume all the time?

Mr. BRANDEGEE. We could convene at an earlier hour on

that day, if the Senator desired.

Mr. NELSON. Mr. President, I do not like to object, but I wish to suggest to the Senator that I have given notice that I intend to call up the river and harbor bill on Monday, after the conclusion of the regular routine morning business

Mr. SMOOT. And the District of Columbia appropriation

bill is to be called up on Monday.

Mr. BANKHEAD. It seems to me, if the Senator from Minnesota will permit me, that if any appropriation bill should be under consideration on Monday when the hour of 4 o'clock arrives, we might suspend the consideration of that bill long enough to vote upon this bill.

The PRESIDING OFFICER. Is there objection to the re-

quest for unanimous consent?

Mr. GALLINGER. Mr. President, as I objected this morning, I very gladly withdraw the objection, because I very much want to have this matter disposed of. I will venture to suggest to Senators who have charge of appropriation bills that this bill is blocking all the work of the Senate. I suggest that they might well agree to withhold the consideration of appropriation I am sure I would do that if bills until this bill is disposed of. I had charge of an appropriation bill.

Mr. CURTIS. Mr. President, if the Senator will yield, I wish to state that if I have charge of the District appropriation bill, and it is up at the hour of 4 o'clock on Monday when this matter is to be voted upon, I shall gladly ask that the bill be laid aside

until a vote can be had.

Mr. SMITH of Arizona. Mr. President, I do not want to stand in the way of the Senator from Connecticut getting a vote upon this bill. I have not been in condition to say what I wish to say to the Senate about it, and I do not know whether I shall be on Monday or not, but I had desired to speak for a while, at least, on certain provisions of the bill. I should like, it is to enversionally done if I find myself at that time if it could be conveniently done, if I find myself at that time able to take the floor, to have an opportunity to say something

about it, but I do not want that feeling of mine to stand in the way of a vote on the bill. I shall not object.

The PRESIDING OFFICER. The Secretary will read the unanimous-consent agreement requested by the Senator.

The Secretary. The Senator from Connecticut asks unanimous consent that, in accordance with the terms of the unanimous-consent agreement now in existence, the Senate will proceed to vote without further debate on any amendment that may be pending, any amendments that may be offered, and upon the bill, S. 8033, through its parliamentary stages, to its final disposition, on Monday next, the calendar day of February 17, 1913, not later than 4 o'clock.

The PRESIDING OFFICER. Is there objection? The Chair hears none

Mr. BURTON. I am glad to know that the Senator from Iowa favors inserting in each of these bills a reservation of the right of the Federal Government to control charges. know that I should go quite as far as that. I think the power should be one of revision—at least at present—rather than of immediate control; and if local agencies prove inadequate, then the Federal Government should act. But I think we are failing in our duty unless we assert larger and larger powers in the control of this enormous asset of the country, our water power. Such a condition was proposed when other bills were pending, but was omitted in this case, because it was thought the State of Connecticut had ample power to take care of this phase of the problem.

There is one thing to which I wish to call particular atten-We ought to interpret the Constitution in the same way whether the question concerns the right of the States or the right of the Federal Government. Every Senator here has taken an oath, and it is his duty to support the Constitution,

and to observe its provisions. That includes the most careful regard for the interests of the United States. If we look upon that Constitution as written on tablets of stone, it seems as if a thick veil were drawn before it whenever any measure proposed is in favor of a State. There is a growing tendency to disregard the Constitution and its provisions in such cases. But if the question is one where they seek to make the interest of the State subservient to that of the Federal Government, then we throw a strong light on it and give to it as technical an interpre-

tation as possible.

Almost two years ago to-day we passed here the Appalachian Forest Reserve bill. That was a measure the object of which was to purchase forests, to establish parks, to protect land in the States from erosion. It was started as a measure of purely local interest, until all at once some one discovered that we had no constitutional right to do that just as a mere local proposition; we must have some reason of national concern for it. Then the argument was made, "Why, it promotes navigation." So it was proposed that we should buy forests navigation." 300 miles away from any navigable river, with the idea that they promoted navigation by increasing the flow in rivers where their chief difficulty was not that they had insufficient water but that every year they were suffering from floods. Then, when you finally reached the rivers themselves, they had no navigation worth mentioning at any time of the year.

Did anybody raise the point of the Constitution and State rights then? No. Money was being expended from the Federal

Treasury for the benefit of localities.

I want to quote what one Senator said with reference to that bill. How excellently he expresses the limits of constitutional power!

We are theorizing largely here-

I think, Mr. President, that could be repeated in regard to this debate-

We are theorizing largely here. I had a practical experience in 1908. In the watershed of the mountains bordering in North Carolina onto the foothills in South Carolina there was an unusual rainfall. In that territory, on the hillsides, which produce nothing in proportion to what the lower and more level lands produce, there was an unusual rainfall in 1908. All the streams of South Carolina—the Pedee River, Lynches River, the Wateree, the Congaree, and the Santee—destroyed millions upon millions of dollars' worth of property permanently by the erosion of these hills, which could not have happened had there been forests on them, because tons upon tons of silt, sand, and rock were carried down and deposited upon the level alluvial land, and made sand bars and mud banks in the navigable streams, costing the State more than those counties were practically worth. It seems to me it would be a wise provision on the part of the Government to make such an appropriation as will forestall any future flood.

That is, whether the stream is navigable or not, if the improvement will forestall a flood and save the quality of the land, we are asked to make an appropriation for it. But when, in the course of the improvement of rivers, enormous expense is incurred-and I want to say to my fellow Senators that the extravagance in all our river and harbor appropriations has been most striking in canalizing these streams which need locks and dams; that is the place where there is waste-when the

Government, by taxing the whole people, appropriates for building a lock and dam, or when there exists a point where a water power of value can be developed, then, Mr. President, there is a place where it would be well for us to safeguard the National Treasury.

Mr. President, what else do we do? Why, we build levees on rivers. They have a remote bearing on navigation. But to save private property, to make lands worth \$100 an acre that are now worth \$3 an acre, or are entirely worthless-we are doing this under the very Constitution to which such a touching appeal has been made here during the last week.

Oh, what a dread there is lest we violate the Constitution when we retain that which is incidental to the great work of developing commerce; but how little we hear the voice of fear when money goes out into the States and into the districts. There the Constitution is hidden from our faces.

Mr. McLEAN. All three political parties are committed in their party platforms to the proposition that the Government should appropriate funds to reconstruct and maintain levees

Mr. BURTON. I think so. I do not know whether or not they considered the Constitution when they did that. What is the Constitution in the midst of a political campaign, when there are multitudes whose votes are sought? But that Constitution grows very strong here when we seek to make use of water power incident to navigable streams. Then the rights of the State are asserted, though that rule seems never to be invoked when appropriations are sought.

Why, barely two weeks ago, without a roll call, we passed here what is called a vocational bill, under which it is proposed to enter a State and spend a certain amount of money for education—a most commendable purpose, but one which, under the old ideas of Jeffersonian democracy, should be left to the States and to the local communities. It was thought by Jefferson and his followers that the Central Government should have only such powers as were necessary to maintain the supremacy of the Nation; that it was far better for each city and each State to be left to itself, just as in individuals we teach self-reliance and develop strength by imposing personal responsibility and compelling each man to work his own way in the struggle of life. Nobody said anything about the Constitu-tion when the vocational bill was up here.

Mr. SMOOT. How about the general-welfare clause?

Mr. BURTON. Oh, under the "general-welfare" clause people sometimes think we could do anything. We could wipe out the lines between the States. If Congress chose to do so, we could take over to ourselves the control of cities. We could go into cities and build hospitals—which are very necessary—for the prevention of tuberculosis. Physical life and health are just as necessary as is education. In short, they say we could do anything under the "general-welfare" clause.

Mr. BANKHEAD. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio

yield to the Senator from Alabama?

Mr. BURTON. I really should like to proceed briefly, since I have had so many interruptions, if the Senator will kindly excuse me. Perhaps the Senator from Alabama desires to offer some other illustration of going beyond Federal powers without any protest here. I could state so many that I do not think it is worth while.

Mr. President, I am surprised at the opposition to this bill. I thought it would be a mere matter of the merits of this bill. But it is said there is a precedent in it. This case stands by itself, though I repeat what I said at the beginning: So far as I am concerned, it is a precedent, and while we may never have exactly the same conditions again, I am in favor in the future of placing the strictest restrictions on these grants of water power. Such a policy is necessary to prevent monopoly. I want to say to Senators that we are just in the beginning of discussions on this subject. But why hold up this bill?

It is favored in the locality which is immediately interested. If the conditions are severe, a company has been found which is willing to submit to them. I have no doubt they would like it far better without this provision for the imposition of a charge, but they regarded that as fair and were willing to accept it. The Secretary of the Interior framed like regulations pertaining to the grant of water power in the great West, where even more severe restrictions have been imposed and accepted.

What do Senators expect? Do they think that the time is coming when the American people are going to be negligent in the matter of conserving these great resources? If they do, I think they are in error. The people are waking up to the importance of the matter. They recognize that land and forests and minerals have gone into the hands of great organizations, and that a favored few have gained an advantage in many cases to the detriment not merely of the development of the country but of the equal opportunities of our citizens. They are not going

to allow water power to be wasted or to fall into the hands of

a few exploiting corporations.

Personally, I should favor somewhat stricter rules than are It is quite interesting to note that while on contained here. the other side there are so many who think State rights are offended by this bill and the National Government receives too much power, the Senator from Iowa thinks the Federal Government has not gone far enough. I come nearer to agreeing with him on that proposition than I do with those who have the opposite contention.

Mr. President, it seems to me that we should pass this bill as it was introduced by the Senator from Connecticut. I have no personal affiliation with this locality or with any of the parties. My interest is based in part on a realization 10 years ago of the importance that this problem would assume. bill relating to the Hales Bar, passed in 1904, providing for a dam below the town of Chattanooga, in the Tennessee River, was one that I drew myself. That bill inaugurated this policy of making a condition when water power was developed in navigable streams and to compel him who enjoyed the privilege to contribute to the development of the river for navigation. In that case the dam and the locks were built by the I am sure that in the future the people of this country will insist that instead of lessening restrictions and conditions in the grant stronger restrictions safeguarding the public interests and preventing monopoly should be imposed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts:

On February 13, 1913:

S. 3952, An act repealing the provision of the Indian appropriation act for the fiscal year ending June 30, 1907, authorizing the sale of a tract of land reserved for a burial ground for the Wyandotte Tribe of Indians in Kansas City, Kans.

On February 14, 1913:

S. 109. An act to authorize the sale and disposition of the surplus and unalletted lands in the Standing Rock Indian Reservation in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills:

S. 186. An act for the relief of Francis Grinstead, alias Francis M. Grinstead;

S. 3873. An act for the relief of Lewis F. Walsh;

S. 4043. An act for the relief of Sylvester W. Barnes; and S. 5262. An act for the relief of Sylvester C. Parker.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18787) relating to the limitation of the hours of daily service of laborers and mechanics employed upon a public work of the United States and of the District of Columbia, and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia.

IMMIGRATION OF ALIENS-VETO MESSAGE (S. DOC. NO. 1087).

Mr. LODGE. I ask the Chair to lay before the Senate a message just received from the President of the United States.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read:

To the Senate:

I return herewith, without my approval, S. 3175.

I do this with great reluctance. The bill contains many valuable amendments to the present immigration law which will insure greater certainty in excluding undesirable immi-

The bill received strong support in both Houses and was recommended by an able commission after an extended investi-

gation and carefully drawn conclusions.

But I can not make up my mind to sign a bill which in its chief provision violates a principle that ought, in my opinion, to be upheld in dealing with our immigration. I refer to the literacy test. For the reasons stated in Secretary Nagel's letter to me, I can not approve that test. The Secretary's letter accompanies this.

WM. H. TAFT.

THE WHITE HOUSE, February 14, 1913.

Mr. LODGE. I ask that the message be printed, together with the accompanying letter from the Secretary of Commerce | ests of the Government in any possible degree, let them be

and Labor, and that it lie with the bill on the table. I give notice that immediately on the expiration of the unanimous-consent agreement I shall ask the Senate to consider the message and the bill under the terms of the Constitution.

The PRESIDING OFFICER. Without objection, the message and accompanying paper and the bill will be printed and

lie on the table.

CONNECTICUT RIVER DAM.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 8033) to authorize the Connecticut River Co. to relocate and construct a dam across the Connecticut River above the village of Windsor Locks, in the State of

Mr. CUMMINS. Mr. President, I shall consume but a very few minutes. The only reason I speak at all is because I intend to vote against the bill in its present form and yet heartily approve the general principle upon which it is founded.

I stated a few moments ago in an interruption that it seemed to me altogether inconsistent to grant this permission without reserving the right on the part of the Government to fix the charges that shall be made by the river company for the power that is generated in or by the dam. I do not care to enlarge upon that. If an amendment shall be adopted that does reserve that right to the Government, it will remove my objection on that score.

My second objection, and it seems to me to be a most serious one, is to that provision of the bill which provides that under a certain contingency the Government must take this improvement and must pay for it according to the standard fixed in the bill.

I do not think that we ought to agree with the Connecticut River Co. to take its improvement at any time or under any circumstances. It may be that if the promise is ever withdrawn a sense of justice would require the Government to make compensation. But sufficient unto the day is the evil thereof. It is in the highest degree unwise and impolitic for the Government of the United States to now enter into an agreement with the Connecticut River Co. that it will take

and will pay under any circumstances.

I desire to call the attention of the Senate to just what we agree to do-a most extraordinary agreement. I do not believe

its parallel can be found in the annals of legislation:

SEC. 5. That upon the termination for any cause whatever of the authority, rights, and privileges granted hereby, or any renewal thereof, the United States may renew the same or the grant may be made or transferred to other parties.

Now, mark: Upon the termination, no matter what the offense delinquency of the Connecticut River Co. may have been, if this permission is terminated for any cause, and the Government does not renew it to either that company or to its assignees, then the consequences which I am about to recite follow:

Unless the grant is renewed to the original grantec or its assigns, as herein provided, the United States shall pay or require its new grantee to pay to said original grantees or its assigns, as full compensation, the reasonable value of the improvements and appurtenant works constructed under the authority of this act and of the property belonging to said corporation necessary for the development hereby authorized, exclusive of the value of the authority hereby granted.

It is not within the human mind to conceive what property that may embrace in the development of the next quarter of a century or half of a century. This permission is in its terms perpetual-it does not continue for a term of years; and it is repugnant to my sense of justice to say that if for any cause we may desire to withdraw the permission, thereupon we must take all the property that is connected in any way with this particu-

lar dam and pay for it upon any basis whatsoever.

Mr. THOMAS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Colorado?

Mr. CUMMINS. I yield to the Senator from Colorado. Mr. THOMAS. In this connection I should like to call the attention of the Senator from Iowa to what is recited in the proposed agreement with the Secretary of War. The total investment is estimated at \$5,500,000; so that if immediately after it is completed the terms of that part of the contract which has just been read become effective the Government would at once be obliged to pay over this enormous sum to the grantee.

Mr. CUMMINS. I have not read the proposed contract. I do not consider it in reaching the judgment that I have reached,

but I consider only the terms of the bill.

Mr. BURTON. If the Senator from Iowa will yield to me, there has been discussed very largely the different kinds of franchises, and this seemed best for the public and best for the exploiter. If there are terms which will secure the inter-

brought forward. I do not regard that condition, if for any reason the Government desires the property, as being one of more than a very general nature, and I can conceive of no conditions under which that would become effective.

Mr. CUMMINS. I do not know when or how it will become

effective. I only know that it is unsound in principle. It is a most dangerous precedent. Only a few years ago the Congress of the United States granted permission to a company to build a dam across the Mississippi River. There was no agreement assumed or expected there that if in the future the permission should be withdrawn the Government should undertake to pay. This is perpetual.

Mr. ROOT. No; 50 years.

Mr. CUMMINS. I have not observed that there is any limit

to the privilege granted here, taken in connection with the renewal that is provided for, but if it is limited to 50 years it is all the worse, Mr. President, because-

I withdraw it.

Mr. CUMMINS. That magnifies and intensifies the objection I have to it because if it were to run for 200 years the property might be entirely worn out.

May I ask a question of the Senator from Iowa? Mr. ROOT.

Mr. CUMMINS. Certainly.

Mr. ROOT. How does this differ from the ordinary provision in long leases which provides for renewal? Ten thousand leases have been made within our lifetime under which it is provided if the lease is not renewed the grantor of the right shall pay for the property that is put on.

Mr. CUMMINS. Precisely. As between private parties it is

a most customary and indeed a most wise provision.

Mr. ROOT. Is there any reason why this should be different? Mr. CUMMINS. Yes, sir. I will try to state to the Senator from New York and to the Senate why this is so essentially different. There the lessor receives a stated rental. It is supposed to adequately compensate him for the use of the property and for all the other obligations into which the lessor enters. If the lessor under such circumstances agrees that upon a failure of the lease or upon a termination of the lease the improvements which the lessee has placed upon the property shall be paid for, well and good; but we are here granting a permission without any compensation whatever. We are granting a permission that is supposed to be for the general welfare, and yet under those circumstances it is proposed to fasten upon the permission the agreement of the Government that upon the termination of the grant, no matter what the cause may be, this obligation on the part of the Government to pay shall arise.

Mr. ROOT. Mr. President—
The PRESIDING OFFICER. Does the Senator from Iowa yield further to the Senator from New York?

Mr. CUMMINS. I yield.

Mr. ROOT. If the permission be for the general welfare, do we not receive compensation? Are not the improvement of navigation of the river, the building of the lock, the canal, the contribution toward the improvement of the river in general, compensation for the interests that we are bound to promote?

Mr. CUMMINS. It would be, Mr. President-

Mr. ROOT. And why should we be less just toward the grantee of a right which is terminated than a private party is toward the grantee of a right that is terminated? Why do not the same principles of right conduct apply to us that apply to a private person?

Mr. CUMMINS. Simply because—
Mr. BURTON. Let me ask the Senator from Iowa another question?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. CUMMINS.

Mr. BURTON. Suppose it is known that in the 50 years there is no right of renewal and that the party must lose his property, his trust. Does not the Senator from Iowa know that the charge to the consumer during all those 50 years will be very greatly increased—doubled in some cases—so that in the end the public are much worse off than they would be without this kind of a condition?

Mr. CUMMINS. I do not, Mr. President. I assume—
Mr. BURTON. I want to ask further, has not that been the conclusion of public-service commissions-of students of the subject? I understand it is the rule in the State of Wisconsin, where this subject has been very carefully considered, that the best way to do was not to confiscate the value of the structures or buildings at the end of a certain period, but to make some allowance for them.

There is another point in connection with it. There is no encouragement for the owner of such a plant to go on and improve it. He will maintain it at the very lowest stage of effi-

ciency if he knows that at the end of 50 years he will have no interest whatever in it. There is a situation here in which interest whatever in it. There is a situation here in which there are plainly two sides to the question. The general conthere are plainly two sides to the question.

clusion has been, I think, that means of compensation at the end of 50 years, or some other stated period, is best.

Mr. CUMMINS. Mr. President, I do not think the case put by the Senator from Ohio and the case under consideration are parallel. We are securing our object in the improvement of the river. We are not building this dam for the purpose of creating power. The power is a mere incident. It would be very unjust for the Government after the dam was built to withdraw the permission without just cause. I agree with that. But I assume that the Congress of the United States will be as just then as it is now. My objection is to the positive obligation that is created and that will arise upon a contingency that no one can foresee or foretell.

Mr. BURTON. If the Senator from Iowa will yield to another question, what kind of a franchise would be recommend?

Mr. CUMMINS. If I were doing it, I would grant this permission for any reasonable length of time, I care not whether a year or a hundred years, but I would not enter into any agreement that at the end of that time the Government of the United States would undertake to buy the property at the rate that is here prescribed.

Mr. BURTON. Which does the Senator, if I may ask, regard as best-a hundred-year franchise with no provision for re-

newal or 50 years with this kind of provision?

Mr. CUMMINS. It matters not. Of course the Government of the United States could by process of condemnation take the property at any time and therein exercise its undoubted privilege and pay for the property according to rules of law; but that is a very different thing from entering now into a contract to take the property at a certain valuation upon the termina-

tion of the grant.

Mr. BURTON. To take or renew.

Mr. CUMMINS. Yes; no matter how it might seem at the time, we would be compelled to renew it in order to avoid the

payment.

Mr. BURTON. Oh, not necessarily. If there was a very valuable privilege others would come forward and say that they would take it and pay. It is only to safeguard the interest of the Government that that provision is there. Does not the Senator from Iowa realize that if you do not make some provision for compensation you must necessarily double or treble the length of the privilege that you give?

Mr. CUMMINS. I understand perfectly that, in order to invite the investment necessary for the construction of such a work as this, it would be necessary to give a time within which those who invested their capital could repay it to themselves with a profit; but that is a vastly better course, in my opinion, than to agree to take the property under the uncertain contingency named in the bill.

Mr. BRANDEGEE. Mr. President-

Mr. CUMMINS. But that is only one-

Mr. BURTON. I do not know that I understand the Senator

The PRESIDING OFFICER. To whom does the Senator from Iowa yield?

Mr. CUMMINS. I yield to the Senator from Connecticut [Mr. Brandegee]. I observe he has been addressing the Chair for quite a few minutes.

Mr. BRANDEGEE. Mr. President, I thank the Senator very much. Sometimes it is not necessary to get permission to interrupt a fellow Senator. The bill provides that the rights conveyed shall be subject to what is known as the general dam act, which is the act of June 23, 1910. If the Senator from Iowa will read section 4 of that act, he will find that the language there employed is identical with the language of the bill, and this very bill authorizing the construction of a dam, if passed by Congress, will be subject to section 4 of the act to which I refer. It also provides that, if the Government shall not renew the grant, the Government shall take the property under condemnation proceedings. When the Senator from Iowa shall have concluded his remarks I will put section 4 into the RECORD.

Mr. CUMMINS. Does the Senator from Connecticut say that section 5 of this bill is an exact reproduction of any part of the so-called general dam act?

Mr. BRANDEGEE. If the Senator will allow me now—though if he prefers not to be interrupted I will not interrupt him—if he will read the bill, I will read the act and we can in that way compare them.

Mr. GALLINGER. Why not read the section?

Mr. BRANDEGEE. I will.

Mr. CUMMINS. I did not know that it was the same; I did know that it contained many features of this general law; but,

if it does, the general law is bad.

Mr. BRANDEGEE. That may be so. I did not help to pass it. I am simply saying that this bill, instead of departing from precedents or from the general policy of the Government, is strictly in accord with them. If the general policy is bad, instead of picking out this particular bill for the victim, let us repeal the general policy—the general law.

Mr. CUMMINS. Does the act to which the Senator from Connecticut now refers provide that the Government shall take the property and pay "the reasonable value of the improvements and appurtenant works constructed under the authority of this act and of the property belonging to said corporation

necessary for the development hereby authorized, exclusive of the value of the authority hereby granted"? Mr. BRANDEGEE. Yes; it does; and more, too; but I should like to have the Secretary read the act, if the Senator

will allow it.

Mr. CUMMINS. Very well. I have no objection to hearing it.

Mr. BRANDEGEE. I send to the desk a paper published by the Committee on Commerce of the Senate, and ask the Secretary to read from it section 4 of the act to which I refer.

The PRESIDING OFFICER. Without objection, the Secre-

tary will read as requested.

The Secretary read as follows:

The Secretary read as follows:

Sec. 4. That all rights acquired under this act shall cease and be determined if the person, company, or corporation acquiring such rights shall, at any time, fail, after receiving reasonable notice thereof, to comply with any of the provisions and requirements of the act, or with any of the stipulations and conditions that may be prescribed as aforesaid by the Chief of Engineers and the Secretary of War, including the payment into the Treasury of the United States of the charges provided for by section 1 of this act: Provided, That Congress may revoke any rights conferred in pursuance of this act whenever it is necessary for public use, and, in the event of any such revocation by Congress, the United States shall pay the owners of any dam and appurtenant works built under authority of this act, as full compensation, the reasonable value thereof, exclusive of the value of the authority or franchise granted, such reasonable value to be determined by mutual agreement between the Secretary of War and the said owners, and in case they can not agree, then by proceedings instituted in the United States circuit court for the condemnation of such properties: And provided also, That the authority granted under or in pursuance of the provisions of this act shall terminate at the end of a period not to exceed 50 years from the date of the original approval of the project under this act, unless sooner revoked as herein provided or Congress shall otherwise direct: Provided, however, That this limitation shall not apply to any corporation or individual heretofore authorized by the United States, or by any State, to construct a dam in or across a navigable waterway, upon which dam expenditures of money have heretofore been made in reliance upon such grant or grants.

Mr. CUMMINS. Mr. President, in my opinion that bears no

Mr. CUMMINS. Mr. President, in my opinion that bears no more resemblance to the provisions of this bill than though it were connected with a different subject. There the power of the Government is to be exercised whenever it desires to take the property for a public use; and, when it so desires, it takes it under laws and rules relating to eminent domain. not this case. This bill provides:

SEC. 5. That upon the termination for any cause whatever of the authority, rights, and privileges granted hereby, or any renewal

That these consequences shall follow.

Mr. NELSON. Will the Senator allow me to suggest, if the company should become bankrupt and could not proceed, would not that be operative?

Mr. CUMMINS. Certainly; or if it should decline to render any service.

Mr. NELSON. Yes. Mr. CUMMINS. A

All those things might authorize the Government to revoke the permit; but I want to proceed a step further. The Senate will have observed in the reading of the section to which the Senator from Connecticut [Mr. Brandegee] refers that there is no description of property to be taken and paid for such as is contained in this bill. That section does not say, as does this bill:

The reasonable value of the improvements and appurtenant works constructed under the authority of this act and of the property belonging to said corporation necessary for the development hereby authorized, exclusive of the value of the authority hereby granted. Said improvements and appurtenant works and property shall include the lands and riparian rights acquired for the purposes of such development, the dam and other structures, and also the equipment useful and convenient for the generation of hydroelectric power or hydromechanical power, and the transmission system from generation plant to mittal points of distribution, but shall not include any other property whatsoever.

Here is a broad, general description of the property that must be taken by the Government. It may have some relation to the dam that is authorized here, but its relation may be so vague, it may be so remote, that it would be worse than folly for the Government of the United States to undertake to become its owner by condemnation. But that is not all. Mr. BRANDEGEE rose.

Mr. CUMMINS. Mark, now, what fellows:

Such reasonable value shall be determined by mutual agreement between the Secretary of War and the owners, and in case they can not agree, then by proceedings instituted in the United States district court for the condemnation of such properties.

There the general act closes, and the law relating to the value of property covers the procedure for the condemnation of the property. But mark what we have here:

The basis for determining the value shall be the cost of replacing the structures necessary for the development and transmission of hydroelectric power by other structures capable of developing and transmitting the same amount of marketable power with equal efficiency, allowance being made for deterioration, if any, of the existing structures in estimating such efficiency.

Mr. President, no court in Christendom has ever declared that that was the rule of condemnation. No court has ever declared that that is the rule for ascertaining the value of property when the Government undertakes to exercise its sovereign power in the way of fixing rates for the use of that property.

Mr. ROOT. Does the Senator say it is an unjust rule?

Mr. CUMMINS. I do.

Mr. ROOT. Why?

Mr. CUMMINS. I say it is a very unjust rule.

Mr. ROOT. Why? Mr. CUMMINS. I am rather fresh from that question. We have for three days before the Interstate Commerce Committee been discussing that very proposition. We are about to under-take, I hope, to value the property of all the railroads in the United States, of all the common carriers in the United States, in order to furnish evidence to those to whom the information is material when the Interstate Commerce Commission comes to act or the courts come to act in cases in which the value of the property is material. It is true that the cost of reproducthe property is material. It is true that the cost of reproduction, under some circumstances, may be one factor to be considered in ascertaining the value of property. It is not, however, the only factor, as has been declared by the Supreme Court of the United States and by every other court that has ever had occasion to deal with the subject. I think we would do the people of this country great injustice if we would bind them to pay, in the event the Government becomes the owner of this property, the cost of reproducing the property. All that the Government ought to pay, in any event, would be the fair the Government ought to pay, in any event, would be the fair value of the property for the purposes for which it was created. In ascertaining that fair value the cost of reproduction, the original cost, and the earning capacity possibly, all may be taken into account; but we are here binding the Government to a single criterion for the ascertainment of the value of property, and that, in all probability, a criterion which fixes the highest possible value that can be placed upon the property.

Mr. ROOT. Mr. President, it seems to me that these provisions limit the Government's liability; that they are all in the direction of the limitation of the Government's liability. We know perfectly well that the general course and tendency of electrical science is to increase the efficiency of machinery, to make it possible to produce a greater amount of electrical current from a given amount of water power; but this provision relieves the Government from the necessity of paying the cost of replacing the structures that may be there and limits its obligation, in case it sees fit to take the property, to the cost of replacing the structures necessary to develop the same amount of

Mr. CUMMINS. Precisely.

Mr. ROOT. Which, in the ordinary course of the development of the science, would be far smaller and far less expensive structures than were necessary years before. You can go to Niagara Falls to-day and produce the same amount of power that was manufactured by the original company that put up the first works there for the transformation of water power into electricity—you can put up structures that will reproduce the same amount of power for less than half what it cost the original company. The effect of that reduction is secured to the United States by this provision. Further, the United States is to have the benefit of an allowance for all deterioration in the property. So that these provisions, instead of imposing upon the Government a larger obligation, are limitations upon its obligations.

Mr. CUMMINS. Mr. President, that may or may not be true. It may be that at a given time the cost of reproduction is the lowest value; it may be that under other circumstances the cost of reproduction is the highest value that could be attached to the property. The riparian rights, the riparian property, and such other property as may be incident to the work proposed to be carried on by the Connecticut River Co. may become in 50 years or in 100 years of vastly more value than the entire physical structure and all the appurtenances connected with it.

We can not foresee what may happen, and if we are disposed to enter into the contract at all, all that we ought to do is to leave the law to determine the value of the property and not to attempt at this time to create one test of the value of the property and impose it to the exclusion of all others.

But that is not all. Allowance is made for deterioration, and

then the bill provides:

If any of the existing structures in estimating such efficiency, together with the fair value of other properties herein defined, to which not more than 10 per cent may be added to compensate for the expenditure of initial cost and experimentation charges and other proper expenditures in the cost of the plant which may not be represented in the replacement valuation herein provided.

I think it very unsafe to attempt to set up any such standard We have never attempted to do it in any other subject. It would be idle for Congress to attempt to set up a standard of value by which the railway company should be measured, and so it is unwise, because it is impossible for the mind to comprehend or conceive the conditions which may exist at the time the

property is to be valued.

Therefore, Mr. President, for these three reasons-first, because we should not enter into any contract binding ourselves to take the property upon the uncertain event named in the bill; second, because the description of the property to be taken and paid for is so general and so broad that it may embrace a great deal of property that ought not to be taken by the Government under the rule which is contended for by the advocates of the bill: and, third, because we attempt here to institute a test or standard for the valuation of the property that is not recognized in the law, and that may work great injustice to the American people—I could not vote for the bill, although, as I said in the beginning, I am heartily in favor of a policy which will enable the Government to employ the instrumentalities in existence, in which it can do so with profit to itself, rather than to carry on or construct the improvement directly. Notwithstanding these things, the two defects I have pointed out are so serious and they establish, in my opinion, a precedent so dangerous that I could not give my assent to the bill.

Mr. GALLINGER. Will the Senator permit me? Mr. CUMMINS. Certainly.

Mr. GALLINGER. I have been interested in the Senator's discussion of the question. There is a great deal of agitation in the public mind just now as to Government ownership of public utilities. I would like to ask the Senator this question. Supposing the Government concluded to take over the electriclighting plant of the District of Columbia, as an illustration, upon what basis would the Senator think the Government ought to compensate the present owners? Would not the Senator think that they ought to get at least the full value of the property?

Mr. CUMMINS. Certainly. I would employ the word "fair"

instead of "full."

Mr. GALLINGER. "Fair" is a better word.

Mr. CUMMINS. It is the word that is ordinarily used.

Mr. GALLINGER. It is a better word. It seems to me from the reading of the bill, as the Senate has read it, that is all that is contemplated in the bill that is now before us.

Mr. CUMMINS. On the contrary, as I look at it, if that rule were applied to any public-utilities company, at least any with which I am familiar, the chances are that the public would pay a great deal more than the fair value of the property for it.

I will give the Senator an illustration. In the taking over, we will say, of railroad property, if the Government were to undertake to become the owner of the railroad property of the country and pay for the terminals and for the rights of way through the country and through the cities and towns at the rate which adjoining property commands for other purposes, in my opinion the railroads would receive vastly more than the fair value of their property.

Mr. GALLINGER. I should think that was probably true.

Mr. CUMMINS. And just so in the city of Washington.

Mr. GALLINGER. But would not the Government in that

transaction pay only what the corporation had paid?

Mr. CUMMINS. Not at all. On this theory it would pay the cost of reproduction. What is the cost of reproduction? It is the cost of going from one end of the line to the other and buying at prevailing rates or condemning under the rules of the law property at the value which that property now bears.

Mr. GALLINGER. I would not so construe it, but I may be wrong. I am not a lawyer. It seems to me it would be a re-production on the basis of the original development, rather than saying that they should go out and buy other property equivalent in area at greatly increased prices beyond what the corporation paid.

Mr. CUMMINS. Moreover, suppose some new device or devices were to come into use that would obviate the generation

of power in the way in which it is now generated. We can not tell what may happen in that respect. This bill would require us to pay for the reproduction value of the sort of property of the efficiency suggested here, namely, the efficiency of the plant originally constructed.

Mr. GALLINGER. It seems to me the Government could well afford to make generous compensation, rather than to build a competing line and go into a disastrous competition with a

domestic corporation.

Mr. CUMMINS. Undoubtedly it could; but, after all, it ought to pay in every instance, if it pays anything, the fair value. As is well recognized by the courts, there is no single test for fair value. It is a result reached by consideration of many conditions, many circumstances, and many facts.

Mr. BRANDEGEE. Mr. President, I move that the Senate

take a recess until 12 o'clock noon to-morrow.

The motion was agreed to, and (at 5 o'clock and 45 minutes m., Friday, February 14) the Senate took a recess until Saturday, February 15, 1913, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 14, 1913.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the fol-

lowing prayer:

Our Father in heaven, lead Thou us on by the light of Thy grace. We do not ask to see the distant scene; one step is enough Each day brings its own duties and responsibilities. Help us to discharge them in accordance with the light Thou hast given us, and give us strength to bear each burden, that we may be prepared for the next step; and all praise we will give to Thee; in the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and

approved.

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I call up the bill (S. 8314) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, and I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the bill be considered in the House as in the Committee of the Whole. Is there objection?

Mr. BARTLETT. Reserving the right to object, I desire to ask the gentleman from Missouri how many of these bills he intends to call up and pass to-day?

Mr. RUSSELL. There are three—all Senate bills and all small ones. I believe it will not take more than 20 minutes to pass them, as I understand there will be no objection to them.

The SPEAKER. Is there objection.

There was no objection.

The SPEAKER. The Clerk will report the bill,

The Clerk read the bill, as follows:

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Kate Brown, widow of William N. Brown, late of Companies E and K, Sixty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of James R. Haldeman, late first lieutenant Company E, One hundred and ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Mary Francis, widow of John A. Francis, late second lieutenant Company F, Eighteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

The name of Jane De Graw, widow of Charles R. De Graw, late of Company A, Twenty-second Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Carrie Engberg, widow of Peter Engberg, late of Company G, Seventh Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Sarah E, McCann, widow of Francis McCann, late of the pension of Sarah E, McCann, widow of Francis McCann, late of the second of the second of the pension of the pe

pany G, Seventh Regiment Annaesona to the part of that she is now receiving.

The name of Sarah E. McCann, widow of Francis McCann, late of Company K, Fourth Regiment Rhode Island Volunteer Infantry, and First Company. Second Battalion Veteran Reserve Corps, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

The name of Susan M. Sumner, widow of John H. Sumner, late captain Company A, Third Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Mary J. Anderson, widow of James S. Anderson, late of Company G, One hundred and twenty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.